FEDERAL DRUG ENFORCEMENT AND INTERDICTION PROVISIONS OF THE ANTI-DRUG ABUSE ACT OF 1986

HEARING

BEFORE THE

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL HOUSE OF REPRESENTATIVES

ONE HUNDREDTH CONGRESS

FIRST SESSION

MARCH 18, 1987

Printed for the use of the
Select Committee on Narcotics Abuse and Control

SCNAC-100-1-4

U.S. GOVERNMENT PRINTING OFFICE
77-734 WASHINGTON : 1987

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

H961-12

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FEDERAL DRUG ENFORCEMENT AND INTERDICTION PROVISIONS OF THE ANTI-DRUG ABUSE ACT OF 1986

WEDNESDAY, MARCH 18, 1987

House of Representatives,
Select Committee on Narcotics Abuse and Control,
Washington, DC.

The select committee met, pursuant to call, at 9:20 a.m., in room 2261, Rayburn House Office Building, Honorable Charles B. Rangel presiding.

Present: Representatives Charles B. Rangel, William J. Hughes, Lawrence J. Smith, Benjamin A. Gilman, Lawrence Coughlin, E. Clay Shaw, Jr., Robert K. Dornan, F. James Sensenbrenner, Jr. and Tom Lewis.

Staff Present: Edward Jurith, Staff Director; Elliott Brown, Minority Staff Director; George Gilbert, Counsel; Barbara Stolz, Professional Staff; Jim Lawrence, Professional Staff; Rebecca Hedlund, Press Officer; Khalil Munir, Investigator; and Jack Cusack, Consultant.

OPENING STATEMENT OF HON. CHARLES B. RANGEL, CHAIRMAN, SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

Mr. Rangel. The Committee will come to order. I apologize to the witnesses and the members for the delay, but we were working on the Welfare Program, and the Ways and Means Committee had some jurisdiction problems.

As most of you know, Congressman Gilman and I were appointed by the Speaker to go to Bogota and participate in the conference. Most of the agenda dealt with the drug problem. We met with the Presidents or the speakers of the various South American countries, and subsequently met with the President of Colombia.

We left with the impression that the situation is totally out of hand, that there is no way they can see in the foreseeable future to stop the growing of coca leaf, that there is no effective prosecution of cases there. But I think it's safe to say that in Bolivia, or in Colombia, there are no prosecutions in the military or civilian courts because of intimidation of the judges. The labs are operating and processing freely the coca leafs that are pouring in from Peru and Bolivia.

And so I think that even if you look at the State Department reports and foreign policy initiatives and the foreign assistance initiatives, we don't truly see anything except increases in production.

Of course, they point to us as being the largest consumer nation. And we feel very proud about the bill that we passed last year that for the first time, in my opinion, deals nationally with the question of consumption, through education and prevention, and rehabilitation. But while we told all of these people overseas about how dramatic the bill was and what we intended to have, I don't think that anybody has ever testified or given us the impression that we should see any sharp decreases in demand.

Having said that, the question of demand and supply appear to be something that we don't have a handle on, we now come to interdiction, and to see just where are we in saying that if I'm right, and we don't truly expect any dramatic decrease in demand or decrease in production, what should we expect in terms of interdiction?

So I'm pleased that we have with us the experts that have the responsibility of protecting our country and our borders and our air space; and I just can't tell you how secure I feel in knowing that the skies will not be penetrated by the Soviet. And I go to sleep every night thanking God that Caspar Weinberger is there, because if a Communist comes anywhere near my children or grandchildren, I know that we are more than well-protected.

However, in terms of smugglers, flying, sailing, walking drugs into the United States, I feel less secure. But since my job is to legislate and your job is to execute, I hope that we leave this morning with a better feeeling about what's going on.

Mr. Gilman.

[Mr. Rangel's opening statement appears on p. 62.]

OPENING STATEMENT OF HON. BENJAMIN A. GILMAN, RANKING MINORITY MEMBER, SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

Mr. GILMAN. Thank you, Mr. Chairman.

This is the fourth of a series by our Select Committee in the implementation and oversight of the Anti-Drug Act of 1986, an Act that had the virtual unanimous support of both sides of the aisle in addressing the crisis confronting our Nation, a crisis that is at present declared to be a national security threat.

Now, we, for the first time last year, provided reasonable resources—not everything that we'd like to see, but a start—some close to $3 billion, to attack both the supplyside and the demand side of this problem, and try to beef up the eradication effort to get to the drug producing countries, to convince them and to help them reduce their supply. We attempted also to beef up our interdiction effort. And that's where you gentlemen have an important fole in trying to make certain that whatever product gets into the distribution channels, we try to interdict.

And then, too, we try to beef up our local enforcement effort by providing resources to local governments, state governments, in making certain they have the manpower, the equipment, the kind of resources that are needed to do the job.

And on the demand side, an area that we've neglected for far too long, we provide close to $1 billion to make certain that we discourage our young people from becoming involved in the first instance, provide the kind of education that is needed out there. And so little has been done in that direction. So often we hear from our enforcement people that we're doing a great deal in the enforcement effort but what about the demand side. And so, too, our neighbors to the South and overseas continually point to if there wasn't a U.S. market, United States demand, there wouldn't be the product.

Of course, that's fallacious. We all recognize it, that producing nations soon become victim nations just as we found in Colombia, just as we found in Pakistan, just as we found worldwide. And we also provided substantial funding to rehabilitate the poor victims of drug abuse.

But no matter how much funding we provide, unless there is a concerted program, a national strategy and international strategy, we're not going to go very far.

We were distressed, as Chairman Rangel pointed out, in Colombia, to find a very bleak picture, a bleak picture, because the narcotics traffickers have been allowed over the years to gain a strong foothold in a nation and virtually hold that nation as hostage.

They have intimidated the court system; they have intimidated the police, and virtually intimidated the entire nation.

And now, they are trying to fight back, after having a Minister of Justice assassinated, after having their whole top courthouse, the Palace of Justice, virtually burned out. Can you imagine what we would say or do if tanks had to go into the front door of the Supreme Court to save our Justices and rid that building of terrorists? And that's what happened just within the year in Colombia. 20 journalists killed, a publisher killed, for his anti-drug efforts.

We met with the courageous members of the press, who just yesterday started a nationwide campaign, working collectively. And their first project was to disclose all of the facts that surrounded the assassination of Colonel Ramirez, who was the head of the eradication effort in Colombia.

Yesterday, also, some 700,000 students paraded in the streets of Colombia, protesting the pervasiveness of the drugs in Colombia and asking for an anti-corruption and anti-narcotics campaign to clean house in that government. We're not too certain they're going to be able to succeed. But we do applaud their efforts and we want to help them in every way we can.

Today, we're going to look at our own efforts to see what we're doing to try to help in this was, and it is a war on narcotics. And I know so often our military have been reluctant to get involved in this dirty campaign, but it's just like any other enemy and even more fearsome because it undermines our institutions and kills our young people. I look forward with a great deal of interest to see how our customs and our military are responding to this serious threat on our own Nation's security.

And we welcome the panel who is before us. We recognize your time constraints and we'll try to be brief in our remarks. We hope that you would summarize your remarks.

Thank you, Mr. Chairman.

Mr. **Rangel**. Thank you, Mr. Gilman.

General, our other two witnesses have to go over to the Senate side, so I'm asking whether you would yield to them for that purpose. They have to leave by 10:15. And Admiral and Commissioner, when you find that you're being whiplashed by the different committees, this committee is willing to accommodate and rearrange when it's more convenient for you, because you can't do your job if we keep you up here on the Hill. But it could be, and I asked staff to look into it, that when you know a committee is going into our subject matter, we need the testimony, not the person; we don't mind going over there and working out something with them.

Commissioner von Raab, you have been very candid in terms of the tremendous pressures on your service as relates to the borders, which you have a mandate to protect. And this committee is taking a look at those borders, from San Diego right across, and it looks like a very impossible task. Nevertheless, each time we turn around, there's all these cuts suggested in your budget and your responsibility increases.

We tried to restore those cuts. We tried to improve the resources that are available. I hope you could reflect on the bill, that is, if it doesn't put you in conflict with OMB, but we tried to do the best we can.

We can revisit the bill if indeed we did not point the resources in the right direction. We got very little help from the Administration. We would like to know if you agree with us that from the intelligence that's been shared with you by the State Department, that your job is going to be more difficult, that they expect bumper crops.

We also would like to know if you agree with us that there is no indication from Secretary Bennett or from NIDA that there is going to be a reduction in demand. And if this thing works the way it has worked in the past, it means that there is going to be more supply attempted at least to be coming into the United States to meet the appetites of our North American consumers.

If that is so, where are we on the border?

TESTIMONY OF WILLIAM VON RAAB, COMMISSIONER OF CUSTOMS, U.S. CUSTOMS SERVICE

Mr. VON RAAB. Mr. Chairman, I assume you would like me to just submit my written statement for the record, and answer questions.

Mr. RANGEL. That would be convenient. And if you would allow the staff and the members to send you perhaps questions dealing with specific parts of your legislation, that would be an accommodation we would appreciate.

Mr. VON RAAB. First of all, let me say that it's always a pleasure, and often an uplifting experience to appear before you, Mr. Chairman, Congressman Gilman. I've done this now for five years running. We've had lots of conversations about this. It's always very useful to the public to have our discussions in public so they can see exactly what does take place on a regular basis between a committee like yours and an organization like the Customs Service.

I agree with you that the problem of interdiction is increased, exacerbated by the continuingly increased production in the producing countries, and that that is just a fact that we have to deal with.

To answer the second part of your question, I have not actually had a conversation with Secretary Bennett on the issue of the success of our efforts in drug abuse. I would expect that he would be a little more optimistic than you are. However, I can't really answer that question. And it's only recently that there is a closer relationship that's being crafted between the drug abuse side and the drug enforcement side, now that Carlton Turner's previous group is being put into the law enforcement policy board.

Mr. RANGEL. It looks like they claim that heroin is on hold, that marijuana appears to be going down in high schools, but there's nothing that gives us any optimism in terms of the cocaine abuse. It's constantly going up.

Mr. VON RAAB. That is certainly a real fear. As far as the Customs Service is concerned, when I took over as Customs Commissioner, our budget was somewhere around $400 million. It is now well over $1 billion. And a good part of those additional resources have been put into drug enforcement.

So if we were to compare Customs' ability to deal with the interdiction problem today with that which it was back in 1981, it is really the difference between night and day.

The kinds of resources that we brought on have basically brought us equal with if not well ahead of the smugglers in terms of the technology that they use.

I can remember you and I used to have exchanges about how we would be happy in Customs to have as good equipment as the smugglers have. We now not only have as good equipment as the smugglers have; we have better equipment than they have and we now have a lot more of it. Whereas maybe five years ago we had 30 or 40 Boston Whaler type boats, we now have close to 250, most of which are really first class, go fast boats, all of which are equipped with voice privacy radios and many of which now will be equipped with a very modern single sideband radio.

In terms of our air fleet, five years ago we had a collection of cats and dogs that we had assembled from various smugglers that we had been lucky enough to catch. Right now we have an air fleet of 90 aircraft, virtually all of which are first class, contain the finest radars and the finest communication equipment. So that's just to give you a sense of the kind of equipment that the Congress and the Administration have provided to the Customs Service.

I think it should be made clear that this equipment, given the nature of the Government process, has been slow to come on and we are now only seeing I would say the second half of the equipment. But I think that for the future, the Customs Service is much more comfortable with the kind of resources that it has at its disposal. I will not go into the issue of military resources, which are considerable, because General Olmstead is here. But Customs now has access to a lot of very, very good military equipment that we use in the same mission. So I would have to say that both from a pure budgetary perspective and also in terms of numbers of personnel—we have probably twice as many men and women working in this effort as we did five years ago, better boats, better planes. So we are well equipped to deal with this.

I'm not certain ever that if this production keeps going up as it does that we just don't have to keep putting on more and more resources. But I think that in terms of the ability of an organization like the Customs Service to manage effectively new resources, we are in good shape. And I want to thank the Committee for its support in helping to bring this about as well as other parts of the Congress as well as the Administration.

[Commissioner of Customs, William von Raab's full written statement appears on p. 73.]

Mr. RANGEL. Well, Commissioner, I think we, the thrust of my question, I'm satisfied now that personnel and equipment, that you're in good shape. Now, interdiction. What does it all mean?

I mean, I know now that we're in better shape than we were five years ago, that you're satisfied with your personnel, your ability, planes, and whatnot. But the stuff, they tell us that 200 tons of this stuff is coming in. And you know, does the fact that you're better equipped mean anything as relates to what they tell me is being produced and what will be consumed?

Mr. VON RAAB. Of course. The result is that our seizures of course have been going up and will continue to go up. At what point the seizure line will cross the line with increased production, I would still say that we're several years away from that point.

Mr. RANGEL. Well, I have been using terms which I think you've used sometimes yourself, that our borders are a sieve. Whatever we try to do, we do the best we can, with the resources we have. But demand and supply being what it is, that we should not expect, because of Customs or Border Patrol, any appreciable decrease in the amount of drugs that will be on the streets of the United States.

I've said that. And I just want someone to say you got this all wrong.

Mr. VON RAAB. I would not necessarily say any appreciable decrease. I would say that the decrease of the amount of drugs on the street will come slowly over the next few years.

Mr. RANGEL. Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

I'm concerned about a report, Commissioner, that I read in this morning's Post, quoting the L.A. Times as saying while we're intercepting a small percentage of narcotics being smuggled into the country, at least part of the blame is because the responsibilities for detection are fragmented and poorly organized amongst the Customs Service, the Coast Guard and other agencies according to a congressional study.

I haven't seen the study. It's apparently a study of the Office of Technology and Assessment. We've requested it, but have not received it yet. It's going to be presented today to the Senate Permanent Subcommittee on Investigations and I believe you're on your way over there. I guess you'll have to be responding over there to the same question.

The report notes that illegal drug imports appear to be increasing as Federal agencies' now fragmented and overlapping attacks on drug traffickers are outweighed by traffickers who usually outwit them. Would you care to comment with regard to that statement? I don't know if you've seen the report issued by the Office of Technology and Assessment.

Mr. VON RAAB. I'm aware of some of the general accusations that the report makes.

The report is not very good. And it basically——

Mr. GILMAN. Not good for Customs or just not good?

Mr. VON RAAB. It's badly done. It basically reports a situation that may have existed a few years ago. I'm not even sure it's accurate in that sense. There are huge gaps in the report. They talk about failure of coordination. I don't see it. They talk about overlapping detection efforts. Our detection isn't at a state in which it could overlap. I mean, we need as many people out there performing that mission as possible.

Paul Yost and I have worked very closely with respect to ensuring that we will have well-coordinated, and we already do have well-coordinated efforts.

If you take a look at the Southeast, you'll see——

Mr. GILMAN. If I might inerrupt just for a minute. Please forgive me for interrupting your remarks. How do you prevent overlapping? What sort of coordination do you have? Is there some working arrangement? Could you tell us about that?

Mr. VON RAAB. Well, the Coast Guard Chief in the Southeast and the Customs Chief in the Southeast see each other probably three times a week. We're in the same building with respect to some of our control mechanisms, our, for example, the Blue Lightning operation center, which I believe your committee saw, is in a Coast Guard building. Coast Guard officers along with Customs Officers man the Center which controls all the boats that are run out of there. That's just one example of the kind of cooperation that you see.

A recent effort, which is called the C3I, is a larger, more sophisticated air version of the operations center which will be jointly manned by Coast Guard and Customs. I am not aware of anything other than what I would regard as a goodnatured and constructive rivalry between the Coast Guard and the Customs Service which is necessary in any effort to make sure that both units work as hard as they can. There is no destructive or dysfunctional lack of coordination between the Coast Guard and the Customs Service. That's just a canard and makes for good press, but it's just totally inaccurate.

Mr. GILMAN. What about here in Washington? You talk about the Southeast meetings. Do you get together on strategy on occasion?

Mr. VON RAAB. Yes. We get together on a regular basis. I would say that Paul Yost and I probably see each other at least several times a month, once at the Drug Policy Board's coordinating group, which is a regular monthly meeting in which not only the Coast Guard and the Customs Service but all of the other Federal organizations responsible for drug interdiction. General Olmstead is always there, other representatives of the Defense Department, representatives of the Transportation Department, all of the agencies that you would typically see, all the Justice Agencies, are always there as well as Paul Yost and I have a regular breakfast with each other.

As a matter of fact, I think that I have bought him more breakfasts than he has bought me, so maybe he'll offer to buy the next breakfast.

Mr. GILMAN. Well, I hope the breakfasts are pleasant meetings. But tell me, has some strategy been evolved in this coordinating group, is there a plan laid out, a national plan, to attack the problem?

Mr. VON RAAB. The Drug Policy Board has developed a Federal Drug strategy which all of the agencies contributed to, so the answer is yes.

Mr. GILMAN. And what is Customs' role in that strategy?

Mr. VON RAAB. Customs' role in that strategy is to be the responsible agency for border interdiction.

Mr. GILMAN. Do you feel Customs has fulfilled that responsibility?

Mr. VON RAAB. Well, I mean, you've never completely fulfilled your responsibility, or you could, you know, you could call the project over with. We are fulfilling that responsibility, yes.

Mr. GILMAN. Do you think we're interdicting enough of the substance that's crossing our border?

Mr. VON RAAB. No.

Mr. GILMAN. Do you have any idea what percentage of the substance you're interdicting?

Mr. VON RAAB. That is always a very, very difficult question. I would say that in the area of heroin, we're probably pretty low; we're probably still around 5 to 7 percent. It's very difficult to interdict heroin, obviously, because it comes in in small amounts. And I think it's more suited for investigative efforts. But we are interdicting a fair amount.

Mr. GILMAN. How much of the cocaine product are you interdicting?

Mr. VON RAAB. The cocaine, I estimate that last year at production levels we were interdicting probably around 30 percent. But as the production level goes up, then of course our seizures are lower percentage of the amount of drugs that would be coming in and with the increased production, we're going to have to do a lot better than last year in order to maintain 30 percent.

Mr. GILMAN. Do you feel that your efforts have been successful in getting to any of the major traffickers?

Mr. VON RAAB. Well, we certainly know who the major traffickers are. Unfortunately, most of the major traffickers live outside the United States.

As far as identifying them, absolutely. And the Drug Enforcement Administration can speak to this better than I can. It's certainly well known who the major Colombian traffickers are, who the major Mexican traffickers are. The problem is that in Colombia, the judicial system, as you know, is practically frozen in place because of the threats and in Mexico, it seems to have no energy whatsoever.

Mr. GILMAN. My time is running. Just one other question.

How frequently do you meet with our Chief Executive, the President, on drug problems?

Mr. VON RAAB. I would meet very infrequently with the President. That would typically be done by someone at a higher level in the Department.

Mr. GILMAN. Does the President ever sit in on the coordinating group or national policy board?

Mr. von Raab. Policy Board, yes. Coordinating Group, which is the next level, which is my level, the President has not attended a meeting of that group.

Mr. Gilman. Do you sit in on the policy group meetings?

Mr. von Raab. The Drug Policy Board? I have not, no, I have not.

Mr. Gilman. Have you ever met with them?

Mr. von Raab. No, I have not.

Mr. Gilman. Thank you. Thank you, Mr. Chairman.

Mr. Rangel. The Chair recognizes Mr. Coughlin and after that Mr. Shaw, and advises you that two of our witnesses have to leave shortly.

Mr. Coughlin. Thank you, Mr. Chairman. I also have another committee to go to at 10:00 o'clock. As Admiral Yost knows, because he has testified before the other Committee to which I'm going. I think there is considerable concern over potential duplication of effort. Both the Customs Service and the Coast Guard are acquiring fast boats, Blue Thunder and that class of boats. The Customs Service and the Coast Guard are acquiring similar craft, as I understand it according to testimony in the Transportation Appropriations Subcommittee.

Both the Customs Service and the Coast Guard got two E2Cs in the drug bill, so they are both getting that kind of aircraft. Both the Customs Service and the Coast Guard are acquiring other aircraft to use in interdiction.

Should both of these be doing all that? Should we be building two Navys and two Air Forces in the interdiction area here?

Mr. von Raab. Absolutely. We need as many resources in this as possible. And if you're worried about coordination, I wouldn't worry about it. As I indicated to the Chairman, there are, there is a center being built in the Southeastern United States which is jointly manned by Customs and Coast Guard from which both of their resources will be run. It will be under the control of one individual on a rotating basis. So in terms of worrying about whether these boats are going to be running into each other or going in opposite directions, that is a worry that this committee just should not have.

Mr. Coughlin. And you think it's efficient to have both the Coast Guard and the Customs Service having similar if not identical aircraft and boats?

Mr. von Raab. We are not the same organization. We have different expertise. The Customs Service has stronger investigative and border land and coastal, expertise. We understand the world of commercial ships in terms of inspecting them. We understand the activities that take place on the beaches and just off the beaches. The Coast Guard on the other hand has much greater expertise as you get farther out onto the seas. We both have a joint understanding of each other's mission but I do not think that you could say that one or the other should be exclusive because we both have something to bring to the mission and we are going to coordinate it and therefore I am not the least bit concerned, as a matter of fact I am quite pleased that we're both working together in this effort.

Mr. Coughlin. Who referees and decides who gets more boats and who gets less boats and who gets more aircraft and who gets less aircraft, from the Administration's standpoint?

Mr. von Raab. The Drug Policy Board would do that and working with the Congress.

Mr. Coughlin. And the lead agency in the Drug Policy Board is the Department of Justice?

Mr. von Raab. The Attorney General is the Chairman of the Drug Policy Board.

Mr. Coughlin. And who in the Attorney General's office is the person who has the lead responsibility for the Drug Policy Board——

Mr. von Raab. Well, it's hard to say. The Attorney General is the Chairman, so when the Board meets at the Departmental level, at the highest level, the Attorney General obviously chairs the meeting. At the Coordinating Group, which is the meetings that we would typically attend, a fellow named Steve Trott, who I believe will be appearing before this Committee, is the Chairman of that group.

Mr. Coughlin. Steve Trott?

Mr. von Raab. Yes. T-r-o-t-t.

He is the Associate Attorney General for Criminal Matters.

Mr. Coughlin. What is the role of OMB in this decision making process?

Mr. von Raab. The role of OMB is to watch everyone's pocketbook.

Mr. Coughlin. Does it make recommendations as to who should get more votes or less votes?

Mr. von Raab. Yes, it does.

Mr. Coughlin. But the final decision as to where it would go then falls to the Attorney General; is that correct?

Mr. von Raab. Well, he is the head of the Policy Board, but he obviously consults with Secretary Baker and Secretary Dole on these issues and that group of men and women, including Secretary of Defense and others who may be involved in a particular decision, come to an agreement. I don't think that the Attorney General does this without the agreement and consent of all of the other senior ministers.

Mr. Coughlin. I hope you understand that I'm asking my questions as a member of the Appropriations Committee which has the difficult decision of trying to decide how much money to put in the Coast Guard, how much money to put in the Customs Service and whether the Coast Guard and the Customs Service should all be buying aircraft and boats that have essentially identical missions. What you are saying is you think that is a good idea.

Mr. von Raab. I think we all need as many resources as possible in this effort and I do not see a lack of cooperation or coordination or duplication, yet. Now, if we had 25 times as many boats, then I might be looking at some duplication. If there is any duplication, it comes as a failure to coordinate and we have all the mechanisms in place to ensure good coordination.

Mr. Coughlin. There was even some discussion at one point of saying to the Customs Service all right, you take responsibility for the Gulf Coast West and the Coast Guard takes responsibility for the Caribbean and divide things up that way. Does that make any sense?

Mr. von Raab. No.

Mr. Coughlin. Why not?

Mr. von Raab. Because the missions of the two agencies are different.

Mr. Coughlin. When you go out with a fast boat, do you go out a different way?

Mr. von Raab. Yes. And with Customs, typically, all the fast boats would be taken out as a result of an investigation that it would have been performed on land, probably as a result of interviews or various smugglers or friends of smugglers at marinas and that we would be on a special operation looking for something that we expected to find as a result of those activities. We do not spend a lot of time in what you would call patrolling the Coast. That's running boats up and down the Coast, because of the number of our boats wouldn't allow for that. We also work very, very closely with the state and local officials, particularly in the State of Florida, in what we call our Blue Lightning operation, whereas the Coast Guard, more typically, and I really think the Admiral should answer this himself, but has been operating more on the high seas and less so within three miles of the coast which is where the Customs Service has typically been operating.

Mr. Rangel. We're only going to have 20 minutes left to hear the Admiral's testimony and be questioned by the members, so I wonder if we can move along.

Mr. Shaw. Thank you, Mr. Chairman; I'll try to be as brief as I can.

When we were in Miami, Mr. Smith and I were down there last week, we had hearings and we heard from Coast Guard, Customs, I think it was a very good session. It was between Miami and Ft. Lauderdale. However, we did learn of some things that were of concern, as problems of communication, competitiveness between the Coast Guard and Customs, which is understandable and to some extent is even healthy. And I think it's very good. But we have heard of some botched communications and things of this nature, I'd like to explore for just a moment.

I understand that there's some problems with radios. I also understood that Customs had given to the Coast Guard certain radios that were given back to the Customs or are not in use.

Admiral, do you know anything about that, or Commissioner, either one of you, with regard to that particular instance?

Commissioner von Raab, do you know what I'm speaking of?

Mr. von Raab. I believe that something like that happened.

Mr. Rosenblatt. It is my understanding there was a need for better communication. There is single sideband capabilities coming on board for Customs and I believe Coast Guard, and I'll let the admiral respond to that. And one of the things that we'll be doing under the C3I concept is ensuring that we have this mutual capability to talk to each other. In the interim, there was an offer to place some Customs radios with the Coast Guard. In my latest discussion with our Regional Commissioner down there just the latter part of last week, I was informed that those radios have been accepted by Coast Guard and should be going on some of their vessels.

Mr. SHAW. Admiral, is that your understanding?

TESTIMONY OF ADM. PAUL A. YOST, COMMANDANT, U.S. COAST GUARD

Admiral YOST. No, I didn't know that we had a problem. I wasn't aware at this level that there was a problem in exchange of radios. We are always concerned that whatever radios we put aboard are compatible with Customs, DEA, DOD, et cetera, and that's not always easy. And very often when we have joint operations, they loan, the Customs will loan us one of their radios, or we'll loan them one of ours so that we are, we do have a communications link. So it's not a problem that I haven't heard of in general, but specifically, radios being offered, radios being refused, this kind of thing, I didn't know anything about it. I'll be happy to check on it. But I would guess that you must have gotten testimony in Fort Lauderdale on that issue.

Mr. SHAW. Well, it wasn't testimony. When you get to these hearings, a lot of the information you gather is outside of the hearing room, just by talking to people in the field and I think that's one of the good things about getting out and seeing what's going on around the country.

It does seem, and I guess there's reason for it, does seem that we have tremendous problems with video communications, computer compatibility, all of these things all through government. And that's not just here. We heard about some of the nightmares down in Grenada where the different forces couldn't even communicate with each other. To me, I don't, I cannot understand why we don't standardize some of this stuff and why people have to hold onto their particular type of frequency.

Admiral YOST. Interpretability is a major, major problem in the defense of this Nation as well as in the drug business, and within the Drug Policy Board, the Attorney General has directed that the Department of Defense be the key element in seeing that we have interoperability. So maybe General Olmstead would have a word or two on that as well. We don't have it now. We're working towards it. We're trying to see that the new gear that we buy is in fact operable with other folks. That's not always easy to do.

Mr. VON RAAB. With respect to your part of the country, though, Congressman, the Customs Service now is completely netted, as a matter of fact, we're netted across the entire border, Southern Border, with thousands of voice private radios, over 600 of which we have given to the sheriffs' and police departments of all of the counties and jurisdictions running from Fort Pierce across to San Diego. So in terms of a network, there is no problem with interoperability between the Customs Service and its own agents as well as all of the sheriffs' departments and police departments running across the border. They're all running in Customs radios now.

Mr. SHAW. And that includes the Coast Guard?

Mr. VON RAAB. The Coast Guard has some of those radios.

Admiral YOST. See, the Coast Guard radios will always be NSA approved and NSA compatible in the crypto mode because of our wartime responsibilities to work with the Department of Defense. And the Customs radios are not so compatible, is my understanding.

Mr. SHAW. Is there a reason for that?

Admiral YOST. Why Customs radios aren't compatible with NSA, why you don't give crypto gear to sheriffs, et cetera? I don't know.

Mr. SHAW. Is there a reason for that, Commissioner?

Mr. VON RAAB. There is a difference between NSA encryption and voice private radios. As a practical matter, law enforcement only needs voice private radios, because what you want to prevent is the smugglers from listening to you. As good as the smugglers are, they're not as good as the Russians in terms of breaking your codes. And the reason for the military requiring NSA level is that they are required to be able to conduct conversations that are not able to be monitored by the Russians whereas Customs is concerned with just being monitored by the smugglers.

Mr. SHAW. My time has expired; but I'd like to ask one quick question and I'd ask the Commissioner if you'd be brief in your answer.

You testified that you're now interdicting about 30 percent of the cocaine. What do you project that with the new funds that we have appropriated out of last year's bill, what do you project you will be able to do?

Mr. VON RAAB. My guess is that if the production projections that the Chairman is making here are accurate, and I have no reason to believe they are not, that we'll be lucky to hold at 30 percent; although our seizures will go up considerably, the percentage will remain a tough problem because of the increased amount of dope that's being thrown at the shores of our country.

Mr. RANGEL. One day, Commissioner, I'll tell you how I used to get my percentages and maybe we can go over these things. But it's a lot of fun.

Mr. Smith?

Mr. SMITH. Thank you, Mr. Chairman.

Commissioner, the Blue Lightning Operation Command Center in Miami is very interesting. As Congressman Shaw related, we did do a tour there, and it was very heartening to see what's going on. It's state of the art and beyond, and it's incredible. And there is an enormous amount of cooperation and coordination which is necessary between all the agencies in order to ensure that Blue Lightning works correctly. And I think that is happening.

My question is, however, you are also working on this C31 which is going to be the command center for real time interdiction and where the decisions are going to be made and where input is going to be literally had by everybody, in terms of input for the purpose of having decisions made, based upon actual at the moment availability of assets, where the smugglers are, where you are, who was here, who is there, what have they got. It's enormously technologically a step forward.

The problem is, how is that going to impact on what you're doing in Blue Lightning and how does it already parallel what's happenning for instance in Homestead where I think you have another command center?

I mean, how much of this is going to be duplicative and how much are we spending money for these very good, important improvements but which are going to be overlapped significantly by or paralleled by——

Mr. von Raab. There will be no overlap. The Blue Lightning operation center will be made a part of or put into the C3I. Although Blue Lightning's operation is primarily marine and the C3I is primarily air. But obviously, there is an important link that has to be established there.

And I would point out as I have pointed out to other members of this committee that this is jointly run by the Customs and Coast Guard so that is not a coordination problem.

As far as our C3I if you will, at Homestead, that is very primitive. I mean, it works because the men and women that man it are just dogged. That will be eliminated, and that primitive system will be replaced by a sophisticated, state of the art system.

Mr. Smith. When do you expect C3I to go on line?

Mr. von Raab. We are looking at October 1st this year.

Mr. Smith. Including the moveover of the Blue Lightning from the Federal Building?

Mr. von Raab. Yes.

Mr. Smith. Well, I can hardly wait to see it.

Mr. von Raab. You're invited.

Mr. Smith. Blue Lightning was an enormous surprise. It was really like the biggest video gallery of all time.

I'm a little surprised at the answer that Admiral Yost gave with reference to the question from Mr. Shaw about radio compatibility.

If you realize there is a problem, and you've got things like Blue Lightning going on, how come it is, Admiral, that you weren't aware that there is in fact some deficiency in voice communication capability?

Admiral Yost. I think what you're really asking me is was I aware that a fairly low level person in Florida while you were down there told Mr. Shaw that at one point there was a problem with exchanging radios between a Coast Guard boat and a Customs boat. I would not have known that. I would have to call my Flag Officer down there and he would have to find that commanding officer and whoever told Mr. Shaw that. I just don't understand or know if there was an exchange of radios that somebody was unhappy about or somebody gave back a radio. I think we're really down in the grass in talking about things that wouldn't normally come up to my level.

I don't think we have a major problem. I think we're looking at a——

Mr. von Raab. Mr. Smith, if I might, one of the benefits of Blue Lightning has been to point out any possible deficiencies among the agencies and one of the first things is, Admiral Cronin, who is the Coast Guard——

Mr. Smith. Commandant of the Coast Guard Academy and the former Commandant is now——

Mr. von Raab. I understand that. But what I am saying is while he was there, one of the first things that he and his Customs colleague did was to identify this communications problem. And so what you are hearing about was an issue that they identified and were dealing with and so the fact that it surfaced is a good thing rather than a bad thing.

Mr. SMITH. Let me just say this. I think that's true. I personally, having been from South Florida and having worked on this issue for so many years, am very pleased with the success that has come along and with the capability which has come on line and the cooperation and I think that the Customs and Coast Guard are doing great, great work, certainly in the South Florida area.

The problem is, Admiral, it may be down in the grass, but that's where the folks who catch the druggies are, down in the grass. They're not here in Washington. They are in the grass and if they get on that radio and all they get is the local radio station, they're in trouble. I mean, you know, this is the problem. It's the ones that are doing the operational level, not the ones who are doing the strategic planning, or the tactical planning. The guys that are on the boats, the guys that are having to catch these people. They're the ones that need it. So hopefully the channel will open up more and you'll get to know more about what deficiencies there are right down there where the grunts are doing the work. Because those people, both at Customs and Coast Guard, I have a great deal of respect for and they want to be able to do their job with every possible tool at their command. And I know the Chairman of this Committee and the Members of this Committee as well as a lot of others have put ourselves on the line with dollars to be able to give you that kind of capability.

Let me just ask Mr. von Raab, you have been outspoken over the last year or so a little bit more with reference to Mexico. Frankly, I am one of those who has been very, very good in terms of backing you up, because I think you've been right on the mark. And I've been disappointed with, as far as I'm concerned, what I consider to be a less than realistic attitude by the State Department, and by the Justice Department, with reference to Mexico.

What are you getting now, today, right this minute, in terms of cooperation for Customs, with the Mexican authorities?

Mr. VON RAAB. Nothing.

Mr. SMITH. Thank you. I think that answer speaks for itself.

Thank you, Mr. Chairman.

Mr. RANGEL. It's tragic, first of all, Admiral—we're going to have to reschedule your appearance, because we don't want to keep you from your appointment. And Commissioner, what you said about Mexico, our Committee and the State Department can almost say about South America. We are going to have a study mission on the border. I hope that you can assign someone to assist us in our preparation of it. We're going to Mexico, of course, afterward, but we also will be going to Texas and California. Last year this time we went to Arizona as well.

And we would hope that perhaps one of these task forces that you have on the border might be assigned to us. You might even provide us transportation, if you see fit. But in any event, you could point out to us the difficulties that you're having. You used once that it was a sieve. Now, I guess, we closed a couple of holes, but as far as the American people are concerned, it's still a sieve.

Mr. VON RAAB. I think it's more of a colander now, instead of a sieve.

Mr. **Rangel**. Actually, you know, we can't expect you to be plugging all those holes, but it's really tragic that we don't seem to have a policy to stop it. Everyone is doing the best they can with what they have to work with, but that is not helping with the epidemic that's enveloping our country.

I want to thank you for your dedication to this and perhaps you can share with us how you will be able to do more with less. The President wants to cut you another two thousand. I know this is going to increase the effectiveness of the agency and that you'll be able to move forward and increase the percentage. But rather than ask you do to that publicly, if you could just send me a note and how me how we do these things, then maybe we can get the other agencies to operate in that fashion.

Mr. **von Raab**. Do you want the note for the record?

[Laughter.]

Mr. **Rangel**. But we support the efforts that are being made. We're glad that you're able to use the equipment. We know that we should expect a certain amount of competition between Customs and Coast Guard and we think that's good, as long as it doesn't interfere with our missions.

Admiral, before you leave, you should know that the Coast Guard has never had any problems with us or with the Congress in terms of your expanding responsibilities and the cooperation that you're having with the Navy. We hope that staff can arrange for you to meet with us formally or informally to update us on the success of your missions in the Caribbean. We know a lot of it is covered in your testimony.

We'd ask both of you to accept questions from staff to cover the areas that we were unable to cover this morning. We thank you. Both of your statements will be inserted into the record without objection.

[Mr. von Raab's prepared statement appears on p. 73.]

Mr. **Smith**. Mr. Chairman.

Mr. **Rangel**. Yes.

Mr. **Smith**. General Olmstead is going to be a witness this afternoon at the International Narcotics Task Force which I chair and I would certainly be happy if any of the members of this Committee would want to come by, for the time that he didn't have today.

Mr. **Rangel**. Well, the General will be able to stay with us.

Mr. **Smith**. Oh, he's staying with us. Oh, good.

Mr. **Rangel**. Thank you very much.

[Admiral Yost's prepared statement appears on p. 98.]

Mr. **Rangel**. General, we recognize that you, too, have a problem. So——

General **Olmstead**. Mr. Chairman, I have a good 30 minutes, if that is any help to you.

Mr. **Rangel**. We'll put your statement in the record, and we recognize that certain subject matters that you covered, that if we want to find out we can do by report. So the complete job that the military has done in reducing consumption, you can have one of your people send something to us on that because it can very well be with the new emphasis that we're putting on demand reduction in the private sector that we can share some of the successes of the military.

TESTIMONY OF MAJ. GEN. STEPHEN G. OLMSTEAD, USMC, DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR DRUG POLICY AND ENFORCEMENT/DIRECTOR, DOD TASK FORCE ON DRUG ENFORCEMENT, DEPARTMENT OF DEFENSE

General **Olmstead**. Could I show you a chart, Mr. Chairman, I think that highlights exactly what you are saying now?

These are the figures on military drug usage that you and I referred to before. The red line is the bad line, and I like the direction of that. It's gone from a pretty high usage factor——

Mr. **Rangel**. We know. And I think the most important thing about the military, even though it took a long time, but once you faced up and said that you had the problem, you started dealing with it and we find the same thing in civilian life, that as long as the teachers and the principal and indeed the parents believe that it's a stigma that they don't want to recognize, then of course they can't deal with it.

The question of support of Customs and especially the Navy in the Caribbean and the Bahamas and controversial Operation Blast Furnace, are things that this Committee certainly has supported that effort. What I'd like to do—Mr. Lewis is back with us. We welcome him—is to see whether or not we can take advantage of the limited time that is available. And I want to congratulate you on the promotion coming up and I assume that your responsibilities will not be enlarged. You still will be in charge of the whole drug enforcement aspect for the military, right?

General Olmstead. Yes, sir, that's part of it. The Secretary has seen fit to make a promotion and also to designate me Deputy Assistant Secretary of Defense for Drug Policy and Enforcement.

Mr. **Rangel**. Former Chief Justice Warren Burger once said publicly that in his opinion, the drug crisis was a more serious threat to our national security than Communism.

I think if you have been able to see what is happening in Bolivia and Colombia, as an American, it's a very frightening thought to see these democratic institutions actually held hostage where indeed in Colombia, the leaders of the fight are the press. And they pay dearly. Editors have been assassinated for speaking out as to the intimidation of the court system, the political system, and indeed, with heavy heart, I report, the legislative system, actually bought, intimidated by narcotics.

In the United States we've had an Assistant U.S. Attorney or two shot and killed, we've had a Judge killed. We have indictments of law enforcement. We have judges that have been indicted for corruption. We've had precincts in New York moved around because of corruption. But General, what I have seen in South America, it can happen here. And we certainly have communities in Florida that we have had hearings on where Mayors have said that they could not cooperate because there were friends and relatives that were involved and they just could not call on the Federal authorities.

My question, General, is that if drugs could be considered a threat to our national security, if drugs could really be in a position where while you are able to keep it out of the military, that you can't keep it off of our streets and our schools and our board rooms, and if the Former Chief Justice is right, and recognizing fully the military should not get involved in civilian arrests and the Constitution and this Congress would not want you to do it, is there a better way for the military to be able to protect our air space, protect our borders?

You know, we got two great people there that were sitting side by side with you, the Coast Guard we love, the Customs we love. But if Communists were coming to these United States, we wouldn't be talking to them. We would be talking to you. If they were flying over with some type of germ warfare instead of cocaine, we would be asking our military what to do.

And of course there are a lot of demagogues. But then, on the other hand, there are a lot of serious people that believe that the Pentagon should come up with a strategy to protect us against this poison. And in the brief time that's here, I wish you could give me your thoughts as to what role DOD could play in protecting us against the intrusion of drugs which Customs has admitted whether it's 6 percent or 30 percent, everyone says 200 tons of cocaine, marijuana, and heroin are coming into these United States.

Nobody expects that we're not going to be able to consume it.

General OLMSTEAD. Well, Mr. Chairman, I'm appalled by the tragedy which went on in Colombia. I share your concern about how dangerous it is down there.

Specifically, in answer to your question, what should DOD be doing? I think because of three very real restrictions on our activity—two legal restrictions, one is the Posse Comitatus Act and the other is the Economy Act. And while it may not be as present today, there is always the terrible threat of a tragic nuclear war or tragic war of tremendous size. We have to be prepared for that.

Our young soldiers, sailors, airmen, and Marines today have a greater responsibility for readiness than when you and I first came into the armed services. The Second Infantry Division today, for example, is capable of deploying by air with only a few hours notice, as are the Marines. So readiness is very necessary for essentially a very disastrous type of war.

Having said that, I guess I'm giving you the filter first. There are a number of things that we can do in a support role. And perhaps the agencies we support the strongest were represented here today.

Our participation with Customs, our participation with Coast Guard, is well documented and is ever increasing, as my chart tries to show on the right.

We participate by loaning equipment to them which can be returned to the Department during mobilization. Our participation runs the gamut from loaning 75 sets of binoculars to the Border Patrol in El Paso when they needed them in a hurry, to the E2Cs which Congress helped us with. Those E2C's are now flying in support of Customs and Coast Guard. Surveillance equipment is being used all the time.

I think we can provide very good support to the legal law enforcement agencies and not upset the balance between that support and our military activities, the letter being our primary responsibility.

Mr. **Rangel**. When you loan that equipment, is it charged to DOD, or how does that work?

General **Olmstead**. The equipment so far that they have gotten so far has been at DOD expenses.

Mr. **Rangel**. We have made special allocations to DOD for this?

General **Olmstead**. There have been some special allocations, but at the same time there's been some diminishment of our capability. You know, when we loan a ground surveillance radar that's a small item that the Congress does not get down to. But it means we don't have that ground surveillance radar in our inventory right now. We will need to call it back. That's not a problem, though. We'll get them if we need them.

Mr. **Rangel**. Well, you share with us the problem because we just allocated the money and we didn't have direction as to where it could be best used and we may not have done the best job.

General **Olmstead**. I think one of the problems might be that, because this war as we describe it, has blown up so much in the last couple years, some of the user agencies don't know yet exactly what they need. One of my responsibilities is to suggest these needs to them. Maybe they don't want an exotic widget when in fact we have something else that could do the job for them.

Mr. **Rangel**. Well, it's not violative for us to ask the General to get together and draft a military strategy to keep a force out of the United States that may be able to disrupt our institutions. You may not be able to implement it, but I'm not satisfied that civilians have the mandate to stop narcotics, which I know the military would be able to do. I know that you have to support our civilian efforts. I'm not asking you to overreach that. But we need some better thinking if we're going to survive as a Nation. And the fact that Customs is going to tell us that they get from 6 percent to 30 percent of hundreds of tons, the Coast Guard, they're doing the best they can. But nothing is going to change and those people who are frightened for the future are right. I put the responsibility in the hands of DOD. You're restricted by the Constitution; you're restricted by law. I understand that.

But what is the plan? Why don't we hear from the Secretary of Defense? Does he think that this is serious threat to our national security? The President is the Commander in Chief.

We found some place in some document—what was it—in the National Security Directive—that the President said that drugs is a threat to our national security.

Now, when the Commander in Chief says it, I don't expect response from Customs or response from Coast Guard. I want to hear from who's in charge of, not really national security, but from a military point of view, I want to hear what is the strategy?

General **Olmstead**. Since the issuance of that NSD, there has been a considerable effort within the Department of Defense to participate as much as we possibly can. And I'm hopeful for more sir. I see that with the coordination of groups—we've already mentioned the National Drug Policy Board. Secretary Weinberger is a full participant in that Board. There is also the coordinating group to that board, on which Mr. von Raab, Admiral Yost, and I sit; and I am a member of, the Law Enforcement Operations Coordination Committee—there are about four boards that DOD is participating in now. And one of the benefits of that is our experience in C3I. For example, we are providing expertise in the C3I programs to Customs.

Mr. **Rangel**. General, in times of war, they ask you to produce body counts. I'm telling you with all the supportive service you've given, they can't give us seizures or arrests that's tantamount to the commitment that the military has made.

And you are working with them better now than ever before and there's a long way to go without taking over from them. I'm saying that, former prosecutor, when we have an effort against drugs, it's only three things that I want to know. Is there less coming in; are we seizing more; and how many people have been arrested?

You may say that's not your responsibility. But that is the intrusion of our national security. And if you're doing a great job but it's not improving, if it's not making us less vulnerable, then I think what we ought to do is to re-examine the strategy.

It could very well be that the strategy would have to hit harder in the producing countries. It could be that we're going to have to have an intensive drive in terms of consumer demand.

It could be that we should give up on the borders. It may not sound right. But it could be, that for the monies that we're pouring in, in the air and the sea and what we are really confiscating and seizing, it may be just a lost effort. The planes that are going in and out of our airports and we're not going to build a fence there. But with all of the Policy Board meetings, there is no strategy.

And I would hope that the lead agency in terms of the strategy as relates to the national security would be the Department of Defense and your Task Force.

General **Olmstead**. Mr. Chairman, regarding strategy, I would report to you that under the National Drug Policy Board, we have formed a Task Group which is headed by the Department of Defense on long-range surveillance, and we're to come up with recommendations. I think you used the word fence. We'll give you a radar fence, hopefully in depth, if we could be directed towards that——

Mr. **Rangel**. General, that's the best news I've heard in years.

General **Olmstead** [continuing]. That threat that you and I are both concerned with.

Mr. **Rangel**. Well, I yield to Mr. Lewis.

Mr. **Lewis**. Thank you, Mr. Chairman. And it's a pleasure to be back with you for even a short time.

General, it's very interesting that we have tremendous activity now from the DOD that we didn't have a few years ago and I think the Chairman makes a very valid point. We actually do find ourselves in the situation of having to depend upon you more and more than we did in the past. In respect to a policy, do we really have a policy that states that the armed services and the Department of Defense are going to pull the plug and move ahead in assistance in the eradication of narcotics in this country?

General **Olmstead**. The Secretary's policy, Mr. Lewis, is that we will support the war on drugs to the greatest of our ability as long as it does not impact upon the mission readiness of our forces. And that's a very real thing. And the second one, of course, we cannot violate any of the laws. I don't know anybody in the Department who's not appalled at the drug situation. I don't know anybody in the Department who's not concerned. I don't know anybody who is not willing to do what they can.

Last week I was talking to some pilots out in San Diego. Young Lieutenants and Lieutenant JGs. They're enthusiastic about what they can do in the drug war, recognizing at the same time they're flying these missions that they also have to fly other types of missions.

So the Department is on board.

Mr. Lewis. As long as it doesn't conflict with mission readiness of the armed services, is there some way that a number of hours from the Air Force and Navy as well as numbers of days or maybe weeks from the other forces could be assigned as part of the tactical operation against the intrusion of narcotics in this country?

General Olmstead. Sir, that goes on daily. Statistically, I can tell you things like 15,000 hours we flew last year; and over 1200 ship days with TACLETS embarked last year. But I think the bottom line is that there's not a plane flying in the high critical areas or a ship steaming in the high critical areas that is not on the lookout for narco trafficantes. The operating forces know that. There is coordination between our commands.

What is the mission and what do we do for drugs is the parallel that they draw.

Mr. Lewis. Do you have a mission established within the Department of Defense as to what the criteria will be over the next year and are there sufficient monies budgeted over the next year or through Fiscal '88 as to what the operation of the DOD will be?

General Olmstead. It's a little bit of a guessing game. We find ourselves in a reactive mode. I don't know today what the Drug Enforcement Agency will need next week, or what the Coast Guard or Customs will request. We can quasi-program it out as we do. But I think our best support is a quick reaction.

For example, DEA said they needed 50 agents trained last week. We did that. We didn't program for that last year, but we did that for them last week.

Down in Williams, Arizona, Customs needed some leveling of land. They didn't have the equipment to do that. But our National Guard unit down there did. And they did that last month. We didn't program for that either.

We are in a reactive mode an awful lot of the time. And last year there was a 95 percent fill rate.

Mr. Lewis. What is the Secretary of Defense's posture in response to any cutbacks in the budget as far as application toward narcotics and the war against narcotics?

General Olmstead. His department is spending more this year than last year.

Mr. Lewis. I understand. But there is a possibility that there will be a proposal or has been a proposal that we look at Fiscal '88 and make a reduction across the board in some of these areas. Does the Secretary support this or is he opposed to this?

General Olmstead. I just don't know, sir.

Mr. Lewis. But in your position as Commander in Chief of the Department of Defense's war on drugs I would think that you would have some idea.

General **Olmstead**. I know that I have the confidence of the Secretary in what we're doing. Of course he approves of what we're doing.

Mr. **Lewis**. Thank you, General; thank you, Mr. Chairman.

Mr. **Rangel**. General, I hope that after you get situated with your new rank, that maybe in an informal way, without violating any security laws, that you might come in and share with us what you'd like to in terms of national security. Because if we don't expect any reduction in production, then I hope that you, as in charge of this, and if you study our State Department reports, if you find anything in there that contradicts what I'm saying, I hope to hear from you. Because I would want to hear it. But I've been there. These people are saying it's a consumption problem and that their people are dependent on the crops. We're throwing money at them; we're giving them helicopters. We're dealing with corrupt countries, poor countries, basket case countries. We're dealing with a sad state of affairs. No matter what we do, we don't expect a reduction in production.

Whatever it is that causes our people to become dependent on drugs is a psychological thing that legislators and politicians are unable to handle. But we don't have any evidence at all, even though it's the first time we're trying, that there's going to be a dramatic reduction.

We cannot protect our borders. We're not going to close our airports and our seaports. And so therefore, they're willing to take the risk, because of the profits. That's a sad state of affairs. But I don't know how many Americans we have lost to Communists. But I can give you a list of how many people we've lost to drugs. And I swear I think it's a security problem and not just a health problem.

If I'm right, I would hope that there is some kind of paper that DOD could come up with and say that we may have problems with implementation, we may have problems with the Constitution. But—or even say that you don't even see it as a national security threat, that it's a domestic, social problem that your outfit has nothing to do with.

But if we have less to be hopeful for with the other Federal agencies, then the only thing that we have left is just some ideas from your outfit as to what can be done. Because if it was any other type of invasion, it would not be the FBI that would be looking at it, it would be the military. If it was anything except narcotics, which is described by law, so we're responsible, and if we said it wasn't narcotics, it was a missile, it was secret valves that the Soviet and the Cubans were manufacturing and bringing into our factories, our plants and our schools with a plan to overtake our institutions, our police and our courts, we'd ask you what should we be doing. And I'm asking you, what should we be doing and I don't care whether it's public or private or whatever, we hope to hear from you.

Congratulations on your promotion.

General **Olmstead**. Thank you. I appreciate the opportunity to work with your committee, sir, and I look forward to the dialogue.

Mr. **Rangel**. Thank you very much.

[General Olmstead's full written statement appears on p. 90.]

Mr. **Rangel**. Our last panel is going to deal with the Department of Justice. We have a list of witnesses. I understand that the Associate Attorney General, Mr. Trott, he has to leave as well.

So we thank him for being with us. Jack Lawn, the DEA Administrator, is going to be here as well as John Shaw from the Immigration and Naturalization Service.

At the outset, we know that with Mr. Lawn we'll be getting assistance on our Border Patrol mission and with Mr. Shaw our staff will be sharing with you the goals of our study mission on the border, and it's so interrelated with the immigration problem especially in San Diego, that it would be helpful if you could brief us before we took off as to what the situation is.

Mr. Trott, the Committee has been trying desperately hard to meet with the Attorney General as well as the Policy Board. Then we asked to meet with the Attorney General to share his views and whatever you could do to support this request would be deeply appreciated.

Because our legislative and executive schedules kind of got in a conflict this week, I'm going to ask Mr. Lewis for unanimous consent to allow you all to enter your statements in the record, and take advantage of this time just to exchange some views, hoping that in the future we might be able to do it without the public hearing, without the mikes, and to get in a room and to really find out what you'd like to see your Congress doing in supporting your efforts and to better understand how the system works.

So therefore, Mr. Trott, if you can concentrate on this Policy Board and what role you play in the strategy of our fight against narcotics, it would be helpful to this member.

I don't know just how much of the testimony you heard this morning. I tried to summarize that no one expects in the State Department that we're going to have a reduction in production of drugs. And if you have any evidence that there will be any reduction, no matter how insignificant, I'd appreciate it.

No one has any information that any of our demand reduction efforts are going to have any significant impact anytime soon. It's really been the general impression of law enforcement as we've gone around the country is that from the Federal level, the narcotic laws are basically going to be enforced by local and state law enforcement officers. We heard many times that we're not prepared to have a Federal police force.

If that is so, Mr. Attorney General, and our local and state police say that it is uncontrollable, they really can't stop local sales on the street. They can attempt to give some priority with their limited resources but that their efforts are not going to decrease the amount that's on the street. Then it seems to me that what I'd like to hear from the person in charge of strategy as to what our national strategy is going to be, because clearly we can't rely on interdiction or production or demand production. So if you could share with us the view of the Department—not the Department of Justice, but I think we have you here as the Chairman of the Enforcement Coordinating Group of the National Drug Policy Board. And if you could give us some of this broad policy, then we'll hold onto Jack Lawn and John Shaw for the specifics.

TESTIMONY OF STEPHEN S. TROTT, ASSOCIATE ATTORNEY GENERAL, U.S. DEPARTMENT OF JUSTICE

Mr. **Trott**. Mr. Chairman, I appreciate the opportunity to be here this morning. I think it is the appropriate approach to enter our statements and proceed with questions.

First of all, let me simply address your attention to the green booklet that I'm holding entitled National Drug Enforcement Policy Board National and International Drug Law Enforcement Strategy dated January 1987, and ask you if you and the members of the Committee have received copies of this document.

Mr. **Rangel**. The staff has it.

Mr. **Trott**. This is a product as it obviously indicates of the Drug Policy Board and of the Coordinating Group. Clearly, there is a need to have a master plan and a strategy.

Beginning some time ago, and with the expectation of the Congress as well as our own views that it was necessary, we began to consult through the Policy Board and the Coordinating Group mechanism everybody who has a responsibility for attacking this problem. And working with the staff of the Coordinating Group, we produced this document which contains a fairly comprehensive outline of the approach that we intend to take.

It's a bit of a broad brush approach, as all strategies are. However, it's complemented by each one of the participating agencies, with their own internal policies, just to mention a few, some of the special initiatives being pursued by DEA, Coast Guard, FBI national drug strategy which is trying to identify major trafficking organizations and destroy them.

This is broken down into a description first of all of the Policy Board organization coordination. There is a chapter on the assessment, the role of intelligence in the national drug control, which by the way contains references in numerous places to the role and function of DOD, interdiction and border control, investigation and prosecution, diversion control, drug law enforcement's role in reducing demand and a special section for Mexico, the Southwest, with appendices on agency roles, federal drug control resources summary, the very important Anti-Drug Abuse Act of 1986 and a glossary.

It represents, as I said, our thinking on the subject right now and recognizing that this better be more than just a book, at the last Coordinating Group meeting, the staff presented to us within an implementation and a management program, to make sure that it works. We now have that management and implementation plan adopted by the Coordinating Group, and we will be pursuing that in the coming months to make sure that this is pursued. Now, not only to make sure that this is pursued but we also recognize this is a moving target and it's a changing problem. It contains certain characteristics that are constant. You well know from your extensive travel and study on this that it changes, where it's happening changes, the ways in which we can get controls over it change. So we have to be just ahead of the problem. That's why again, this is very broad.

The Coordinating Group itself brings together as you know all the agencies, law enforcement agencies, DOD, the State Department, OMB, who have a handle on this and we continue to pursue those initiatives that fit into these categories that we believe will impact the problem.

The Drug Enforcement Policy Board, as you well know, is currently in the midst of what I would call a reorganization. It was the National Drug Enforcement Policy Board. Having recognized some time ago the interrelationship between the demand and the supply side however, at the instigation of literally everybody we've changed it, or are in the process of changing it to the National Drug Policy Board which will be chaired by the Attorney General, co-chaired by Dr. Bowen from HHS. And the purpose of this is to bring the two together.

That is a Cabinet level board obviously, and we will have two coordinating groups, one which I will continue to chair on the enforcement side and one which Dr. McDonald will chair on the demand side. We'll have a unitary staff so that there's no problem of left and right hand not working together.

All of these issues then will be eventually delivered to the Policy Board for guidance and direction.

Mr. Rangel. Where is the foreign policy piece?

Mr. Trott. The foreign policy piece that we do have in here as I indicated——

Mr. Rangel. I mean, you'll be taking care of law enforcement and Macdonald will be taking care of demand.

Mr. Trott. The Foreign Policy piece is in the Coordinating Group and the Board itself. Ann Wroʼbleski from INM sits on the Coordinating Group. She is the Chairperson of some of our subcommittees, to make sure that when we're doing all of this we have a very coordinated effort on this. DEA obviously has a part of the foreign operation as does INM and they have their own operations that they work together but in the Coordinating Group we literally bring together everybody, to make sure that the problem is attacked from a global perspective as well as a parochial or a single agency perspective.

Mr. Rangel. I'm impressed, Mr. Trott, with the setup of the Board; as an American and as a legislator, I don't think we could have had any broader representation, and certainly the fact that it's been elevated to Cabinet level means that the President gives it top priority.

Now, my problem is that if I was listening as a spectator to the Board meeting and as Attorney General was managing it, he would ask for reports from the various departments.

Our committee finds that in every department that would be reporting, that they would be giving bad news to the Attorney General, just terrible news, that it's worse now than it was five years ago, that five years ago was worse than it was 10 years ago, and that the problem is getting bigger and bigger and that none of the people on this Board is able to give any hope that next year or the year after, or in the next five or ten years that we can expect an improvement.

Now it's subjective when you talk about demand, but nobody, nobody has said that we expect there's going to be—we're hoping. Mrs. Reagan is doing a wonderful job. The Advertising Council is out there. But nobody has testified in front of this committee that we can expect any decrease in demand. In fact, we just hold our hearts that the sharp increase in demand won't continue.

If we can hold onto that—I don't know whether you were here, but Customs is saying 10, 20, 30 percent. But as the production increases—and Ann Wrobleski's statement proves it—it means that if they're able to hold 30, which is just a miraculous figure, but what the heck—that means that the 70 percent will be increasing, that's going to be made available, and he won't be able to hold onto it.

Now, I know the Federal officials deal with the priority of prosecutions, but nobody has ever told me that law enforcement is going to really be able to do anything except shift it around. You know, you arrest one, two people come out and start selling.

So at the Board meeting, not just from Justice, at the Board meeting, what are they saying? Because as you heard me say I'm depending on DOD.

Mr. TROTT. Well, at the Board meeting, first of all, let me indicate that I think we all agree that this is an enormously complex and extremely serious problem. There is no way to overstate the seriousness of the problem to the United States. We're all agreed in that.

And that's why it has been organized at the level at which it has been organized.

Mr. RANGEL. Well, if it really is appreciated and forgive me for interrupting, but when you say that it is so serious and is recognized as such and production happens to be one of the major segments of the problem, why haven't I heard the Secretary of State speak out? Is he a member of this policy board?

Mr. TROTT. Yes, he certainly is, and——

Mr. RANGEL. Have you ever heard any public statement by the Secretary of State on the question of reduction and our foreign policy with these countries?

Mr. TROTT. Mr. Chairman, I heard one of the most stirring speeches I've ever heard by the Secretary of State at a meeting that he held—I can't give you the date, but I can get it for you—last year when all the Ambassadors in countries that you're concerned about were called into the State Department and we participated in a very lengthy and very detailed meeting.

At the very beginning of that, George Schultz himself as well as the Attorney General came and met with the Ambassadors and the Secretary of State personally and on behalf of the President told each and every Ambassador there that as far as he was concerned, this was a major priority. He spoke eloquently about the damage being done to our country and he personally went way out of his way to recruit individually each one of the Ambassadors at that conference into this battle in the international arena. He was quite eloquent, he was quite committed and I think that the impact that it had on the Ambassadors was dramatic.

Mr. RANGEL. I'm glad to hear that.

Mr. TROTT. I attended the meetings with the Ambassadors and each and every Ambassador personally has obviously jumped in and was looking for a way to become part of the solution to this difficult problem.

Mr. RANGEL. I'm glad to hear that. You know why? It would allow the Congress to be more responsive to the Secretary of State on these issues and I think the Secretary of State has had no problem in terms of media exposure. I can hardly turn on the TV on a Sunday morning without the Secretary speaking out forcefully against Communism, against terrorism, and I don't know why the press treats him so poorly in the last six years in his speaking out against narcotic violations.

Mr. TROTT. I can tell you that the Secretary also spoke out quite eloquently privately and publicly in the Camarena matter. In his personal discussions with the Government of Mexico he was a leader in making it absolutely clear how serious we consider the loss of a single drug enforcement agent operating——

Mr. DORNAN. Would my Chairman yield for just one second?

Mr. RANGEL. I yield.

Mr. TROTT. May I add one thing, too? The Secretary has a very, very energetic person working for him, Ann Wrobleski in INM, and there are not meetings to which she doesn't come. She is all over the world and as his personal representative, taking a leadership role in combatting this around the world.

Mr. DORNAN. Just a point of information. One of the—the Assistant Secretary of State for this hemisphere told me he personally had heard the tapes of Camarena being tortured to death and that it was a ripping emotional experience. Has our Secretary of State heard those tapes? Do you know?

Mr. TROTT. May I have one second?

[Remarks off the record.]

Mr. TROTT. Mr. Dornan, we might be willing to discuss this privately with you. I'm not sure that it's an appropriate subject of discussion in a public forum. We are talking now about matters that are of ongoing criminal investigation.

Mr. DORNAN. That's a sufficient answer.

Mr. RANGEL. Let me say this. That the emotion expressed by the Secretary was on behalf of the American people in the manner in which that case was handled in Mexico. And I would have to agree with you, the Secretary spoke well for himself and for the country. But I want you to know that we have been trying to get the Secretary here and I don't have any problem with his assistants. But I hope you would agree with me that the Secretary's commitment has not been adequately covered by the media.

Mr. TROTT. It may not have been, because I can guarantee you based on what I've seen with my eyes and heard with my ears that the Secretary is fully committed, a full partner to this, and Ann Wrobleski is his personal representative is as vigorous a person with INM that I have worked with.

Mr. RANGEL. Well, the truth of the matter is that every time this committee and members of Foreign Affairs Committee try to do something to show how forceful we feel about this situation, we get knocked down by State. We got the Rangel-Gilman Amendment which provides for sanctions if the countries don't come up with an overall strategy. We have the Rodino Amendment, which has never been used by any President. And we don't want to get involved in foreign policy. We recognize that's the Executive Government's authority.

But you know, we know about invasions and we know about supporting teams and a lot of other things. But we don't really feel in the Congress that this is a priority item on our foreign policy.

Mr. TROTT. I certainly believe that it is. You've talked about the Coordinating Group and the international aspect of it. If I may, let me just touch briefly on the agenda for February 26 to give you a sense of the kinds of things we do with the foreign application.

One of the first items was a progress report on the strategy implementation which is what I referred to earlier. Legislative developments, reporting requirements of the Anti-Drug Abuse Act, the reorganization plan that you're inspecting, the interdiction program with the DOD Authorization Act, the C3I centers, implementation and coordination, section on Congressional hearings coming up, state and local assistance, the Justice program's grant program, subcommittee updates, moneylaundering, the NMOU, mutual legal assistance treatires—that's an international operation designed to get evidence and cooperate together to bring these operations down—customs to customs agreements with Panama, intelligence sharing, Operation Alliance, which is designed to close the Southwest Border with radar and air surveillance, the Bahamas—there is a special task force that Ann Wrobleski chairs—working group reports, Southeast Border radar site study by the FAA, international updates, international narcotics control strategy report, Colombian developments, State Department reward program——

Mr. RANGEL. Let's put a hold on that, because you have to leave.

Mr. TROTT [continuing]. Colombia. Two more. Italian-American Working Group, NNBIS Report on hat trick. That will give you an idea.

Mr. RANGEL. Let me ask just one question, and then we hope that we'll be able to talk with you before you head up the FBI or whatever good things are planned for you. We wish you luck in whatever you want to do. But you mentioned Colombia. We just got back from Colombia.

We met with the President. We told the President how impressed we were with the commitment, State Department gave us all these things to say. We said all of these things. We encouraged a commitment that was out there. And then I asked them to explain how I could get back and explain to my colleagues in the Congress that no drug traffickers will be arrested and prosecuted in any civilian court in Colombia, that the Supreme Court of Colombia has found unconstitutional the trying of drug traffickers in the military court. The only thing that was left was extradition, and the Supreme Court has just knocked down the extradition treaty. And that the FAK, which is a bunch of Communist rebels that want to overthrow the government, they have a truce, cease fire, cease fire—truce is a bad word. Cease fire with them, and they are in the process of increasing the laboratories for the production and processing of coca leaves into cocaine. This is a bad situation.

When Colombia came up on the list, what's our strategy?

Mr. TROTT. Our strategy with Colombia?

Mr. RANGEL. Yes.

Mr. TROTT. We have a multifaceted strategy with Colombia involving probably first of all the eradication program itself.

INM has tried to work closely with Colombia in making sure that to the extent that is possible and feasible in Colombia, that a vigorous eradication program——

Mr. RANGEL. They tell us that not one drop of chemical has fallen on a coca leaf in Colombia because the American chemical company will not give commitments, demanding that they be held liable free for anything.

Mr. TROTT. Lawyers.

Mr. RANGEL. Listen, regardless what the problem is, I'm just responding to your eradication. In all of the years that we've been there with all of the American technology, not one drop—on the coca, we're talking about cocaine—not one drop of herbicide has hit one coca leaf.

Mr. TROTT. Mr. Lawn can address that. But I'm referring to a rather vigorous marijuana eradication campaign that they have had in Colombia which we hope will continue.

So first of all, our program involves eradication. Secondly, our program involves international cooperation on extradition. On April 30, 1984, as you well know, the Minister of Justice, Mr. Ladabonia, was assassinated in Colombia by drug traffickers, who did not like his favorable position towards extradition.

Mr. RANGEL. We met with him on several occasions. But I'm saying that the Supreme Court has knocked out all those efforts and——

Mr. TROTT. I'm not so sure that's the case. The latest information I get is that notwithstanding the Supreme Court's activity on the extradition treaty, that puts into place the ancient extradition treaty that still permits extradition, and we are told and I think the Carlos Lehder situation testifies, to the continued willingness of the Colombian Government to continue this extradition——

Mr. RANGEL. They had already found him to be extraditable before the Supreme Court ruled. And——

Mr. TROTT. You asked me what the strategy is. Our strategy continues to be to make sure that there is no country where a drug trafficker can hide and escape justice. Colombia, you name it. And we are out there working to update our extradition treaties and our mutual legal assistance treaties.

You are right. This is a very tough nut. My heart personally goes out to Colombia. Enrique Parejo is a man I consider to be my friend. When I was in Montana and I discovered that people had pumped bullets into him in Budapest where he had gone to try to protect his life after running that extradition program and being the strong right hand of the drug program, I mean it was a shocking personal thing to think that Enrique Parejo was lying possibly near death in Hungary.

As you know, they've destroyed the Supreme Court down there, they murder judges, they murder security chiefs. They attack Avianca, they go after editors. They go after legislators. That's the toughest situation I know of. And my heart goes out to them. I think the will is there. I think the commitment is there. But they are in very deep water. We intend to continue to try to do everything that we can think of to support them in their efforts.

Mr. RANGEL. Mr. Trott, I agree with everything that you said and I'm glad that you said it in a very emotional way, because it eliminates a lot of questions in terms of your knowledge and commitment.

But when you go around to those surrounding countries, they're basket cases as well. The Bolivian thing is a tragic case. The Peruvian thing. They have debt problems, poverty problems, corruption problems.

Don't you think that this is the type of thing that really involves the hemisphere, not Colombia and not——

Mr. TROTT. Oh, it involves more than the hemisphere. It involves the globe.

Mr. RANGEL. Why can't we have a summit and bring all these people together and try to deal with it in terms of a problem bigger than just the coca leaf and marijuana?

Mr. TROTT. We do that. We had a meeting of ministers of justice in Puerto Vallarta last year. All the ministers of justice attended, and we began to work on hemispheric programs of international cooperation. Mr. Lawn, I believe, is on his way to one of the many IDEC meetings that have been held and will continue to be held. We're on our way to a massive convention of the United Nations in Vienna in June to talk about a declaration of political will and a new convention on narcotics.

So we agree with you fully. You can't stay at home. You can't even work with your closest neighbor. You have to work as a network and hope that each country will support the other country. Because no single country, I don't care how strong our military is, no single country standing alone can stand up to this menace. All the countries have to stand together and network together both legally, tactically, strategically, functionally, economically and in every other way.

Mr. RANGEL. We met with the Presidents of the Andean countries' legislative bodies as well as their delegation. And we sure didn't feel a coordinated effort. As a matter of fact, they were out there demanding that they have better coordination among themselves so that drug traffickers on their borders would be able to be apprehended. And I don't know of what contribution we're making toward this international coordinating effort. And I'm not saying because of what you've said that it's not happening, but who do I go to to find out where this coordination—we left there feeling we had to come back home saying let's get involved. You're telling me that we are involved.

Mr. TROTT. We are, and Mr. Lawn can fill in the spaces probably better than I can.

Mr. RANGEL. We were there, we were with the Andean parliamentarians, and that's where the stuff is coming out of, right Jack?

And we didn't see the American presence there at all. And we had someone there from State Department, we had someone there from Ann Wrobleski's office. And they were making demands on us as a nation and as members of Congress showing their meager efforts and their meager resources in coming together. They're demanding that their presidents of the countries come together and meet on this. And what you're saying is that you recognize that they're right and we've been doing this all along.

You tell me where——

Mr. TROTT. Mr. Chairman, I'm not, I'm certainly not declaring victory and indicating to you that we have in place mechanisms that within short order or our immediate lifetimes or term in office will come to closure on this problem. We understand the problems that you've identified. We regard each as a challenge and we try to figure out ways, new and inventive ways, better ways to attack each and every one of these.

But it is——

Mr. RANGEL. Mr. Trott, I am not even thinking about victory in my lifetime. That is not even on my agenda. All I am talking about is the fight. And I don't see the war being waged even if we lose it, I don't see the resources there. You say that there is a strategy internationally in South America. And I'm saying that we have gone every other year to South America. I have gone sometimes twice a year. And maybe I'm too close to the trees to see the forest or the overall effort. But I'm telling you each country acts like they are operating alone in a vacuum and we give them a couple dollars for this and we cut the coffee quota or we cut this back or we cut foreign assistance or we don't stretch out the debt or we send, they don't have the equipment, and we don't see them talking with each other. And that's why the Speaker sent us down there.

Mr. TROTT. In IDEC they talk with each other and in the Puerto Vallarta conference which will be followed up on, the ministers of justice are talking to each other. But again, I'm feeling some——

Mr. RANGEL. Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman. We welcome you before us, Mr. Trott.

The new Policy Board was established on February 3, was it not?

Mr. TROTT. The Executive Order has not yet gone out. It's over at OMB; it's being circularized throughout all the agencies. We expect it'll be—the Attorney General put it on a very fast track with OMB. We expect it to be up and reorganized before the end of the month.

Mr. GILMAN. In other words, you still aren't official, then?

Mr. TROTT. That's correct.

Mr. GILMAN. What's taking you so long to adopt the Executive Order?

Mr. TROTT. It's just the process by which you involve all agencies takes time. First of all, the Executive Order has to be drafted. It has to be checked for legality and has to be sent to OMB and it was, and then it's circularized through all the departments so everybody has an opportunity to make sure that it's the best possible organization of which we are capable.

Then it will, and I know the Attorney General personally called OMB and said he wanted the fastest possible track on this of which the system was capable. We've been promised by OMB that that will happen. At the Coordinating Group meeting just a couple of days ago I told everybody from the Coordinating Group to make sure when you go back to your agency that this doesn't get stuck in a mail room on a desk. You're the action people. Get it up, get it back, get it running.

But in the interim, it's not impeding us from tackling the task at hand.

Mr. GILMAN. I hope the Coordinating Group is going to work a little more expeditiously on some of the drug problems than they're working on getting their own Executive Order signed.

Mr. Trott, are you familiar with this new OTA report that just came out today?

Mr. TROTT. Haven't had a chance to read it. However, OTA came over and briefed the Coordinating Group a couple of sessions ago. I'm generally familiar with what they indicated at the briefing that they gave the Coordinating Group.

Mr. GILMAN. The Office of Technology and Assessment, which is a pretty independent body as you know, and made up of some pretty sharp analysts, makes some pretty serious charges. And let me just review some of the key findings and ask you to comment on it. I'd welcome comments by Mr. Lawn and Mr. Shaw on any of these charges.

When they say there is no clear correlation between the level of expenditures or effort devoted to interdiction and the long term availability of illegally imported drugs in the domestic market. Secondly, they say the size, scope and diversity of the smuggling challenge is enormous compared to the human and equipment resources that front line enforcement agencies can bring to bear.

Third, they say that data on drug smuggling, the trafficking system and interdiction activities are inadequate for effective planning and management.

Fourth, responsibilities of the Federal drug interdiction agencies are fragmented and overlapping.

Fifth, there is a lack of an overall direction that would establish a comprehensive approach to planning and operation limits the effectiveness of interdiction programs.

Sixth, the value of intelligence is high; however, the intelligence gathering is limited by inadequate resources and an ineffective network.

Seventh, the technologies are just now becoming operational and evaluations of their overall effectiveness cannot be made without more experience and a directed effort to collect relevant data for evaluation.

Eighth, no single technology has been identified that by its addition would solve the Nation's overall drug interdiction problem but there are many opportunities for individual technologies and we should be making more funds available to explore those.

And ninth, there is a serious lack of support for research, development tests and evaluation of new or transfer technologies within all of the drug interdiction agencies.

Could you comment on that? These are some pretty serious charges against what we would hope would be a national policy and an effective strategy.

Mr. TROTT. To the extent that what you have just read identifies the problem as a large one, we would agree completely. To the extent that the report indicates that there is a lack of planning, a lack of structure for planning, we disagree.

And we would be delighted to reply in detail to this report to you once we have a chance to actually examine it and digest it.

Frankly, we were very disappointed with the Office of Technology's briefing of the Coordinating Group. We are somewhat concerned that they may not have had access to all that is going on.

Listening to the report as you describe it right now they may be a little behind the times and I don't say that as a criticism, simply as an observation. If we get a chance to read it, we will address it. But let me tell you one thing. We're looking for good ideas from everybody and we're not claiming that we are perfect. And if there are good ideas and good suggestions in that report, you can bet your bottom dollar we'll do everything we can to implement them.

Mr. **Gilman**. All right. I would ask, Mr. Trott, if you would respond to the key findings. And Mr. Chairman, I'm going to ask that Mr. Trott's response to the key findings be made part of our hearing record at this point.

Mr. **Rangel**. Without objection.

Mr. **Gilman**. Mr. Lawn and Mr. Shaw, would you care to comment on those——

Mr. **Rangel**. Let's see whether or not you could concentrate on Mr. Trott. He has to leave.

Mr. **Gilman**. Mr. Trott, what would you say are the most important objectives of our new national policy?

Mr. **Trott**. The most important objectives? It's almost impossible to prioritize because you have to start——

Mr. **Gilman**. Well, just give us what you would consider some of the key things that we ought to be doing to reduce drug trafficking and to attack this problem properly. If you were the drug seller, and you virtually are in that position as being a key member of this team, what do you recommend that has to be done to meet this problem? We've been at this now for as long as I've been in Congress, and each year we increase the resources and each year we find that the produce continues to grow in size and enormity. Each year we find that seizures go up but we're still making a very small dent in the overall problem.

Mr. **Trott**. We need to continue to use, if I can borrow an analogy, a full court press, in the area of eradication, foreign country approach to the problems in their own countries, through interdiction——

Mr. **Gilman**. Let's stop right there. What should we be doing to increase that full court press?

What should we be doing that we're not doing to increase that full court press, because Bolivia, we've spent money, we've gone down with choppers, we talk about agreements, and that's a total mess in Bolivia. We've spent a great deal of funds. I guess it was some $12 million just in drugs, in the drug effort last year in Colombia, and we've come back with a very dismal picture. And we can name country after country where our efforts have not been very successful.

Mr. **Trott**. Congressman, I'd ask Mr. Lawn answer this, because it's an important question and he has the——

Mr. **Gilman**. Just what should we be doing that we're not doing? DEA is doing what they can out in the enforcement. I don't think it's Mr. Lawn's province to get into the eradication effort. I don't think that that's their responsibility.

Mr. **Rangel**. If the gentleman would yield. Please, Mr. Trott, his question isn't directed to you as Attorney General.

Mr. **Trott**. I appreciate that.

Mr. **Rangel**. It's as the person that is coordinating our national effort. What I've been able to see DEA do in these countries exceeds the resources sometimes that we're giving them. They are tremendous. And we'll be asking them to do a little more in backing up some of the people. But they're not foreign policy. Sometimes it takes us to get them at the Embassy.

Mr. **Trott**. The only point is, the Congressman asked a question on Blast Furnace, and DEA is Blast Furnace, working with DOD. That's why I'm——

Mr. **Rangel**. Was your question Blast Furnace?

Mr. **Gilman**. No.

Mr. **Trott**. His question was Blast Furnace.

Mr. **Rangel**. No. When he mentioned Colombia, my question would have been that what I thought he had asked, and that is what would you recommend as the overall Executive Director that we do in Colombia? You know the situation better than we do. We left shocked, disappointed, depressed, came back broken. And so now we got a chance to talk with our National Policy Board. That's you for now. What would you recommend, just in Colombia, that we do?

Mr. **Trott**. Well, that we continue to request extraditions from identified drug traffickers down there. If there's a problem in their courts, we have told the Colombians, you give us the drug traffickers against whom we have cases, and you bet your bottom dollar we will prosecute them, and you bet your bottom dollar we will take away as many assets as we can find that are within our jurisdiction, and you can bet your bottom dollar that we will find a place in our prisons. If you're having trouble down there with your prison capacity and your ability to prosecute, we will do that. INM continues to support them in every possible way in their eradication program. We continue to meet with Colombia in mutual legal assistance treaties and in international cooperation and area cooperation and all the rest.

Mr. **Rangel**. DEA knows where the labs are. And there has been no intrusion on those labs at all.

Mr. **Trott**. Well, I can't agree with you that there has been no intrusion at all. When I was down there, Enrique Parejo put a map on the wall and went through for about an hour the activities of the Colombian Air Force in militarily attacking drug trafficker operations.

Mr. **Rangel**. They got a cease fire.

Mr. **Gilman**. In the Fork territory. And as a result of that, they have been reluctant to go in and hit the labs within the geographical area controlled by the Fork. That's what we were told. What I think the Chairman is trying to stress is that with all of our cooperative efforts, we are being stymied, and what we're asking is, what more can we or should we be doing that we have not done to cut off the major supply coming out of Colombia? One of the biggest suppliers of cocaine throughout the world.

Mr. **Trott**. What we do again is attacking this as a system, as an entire problem, we have to continue to focus on the demand side of the equation in the United States and on our ability to create a wall of radar, as referred to by General Olmstead and an interdiction program that stops this at our borders. That's why you have to work from the top to the bottom. You have to start in the countries with eradication, legal initiatives, with interdiction, with prosecution, with drug education——

Mr. GILMAN. Mr. Trott, do you think we're going to be able to seal off our borders so that there will be no product coming through those borders?

Mr. TROTT. Seal off, no. However, I think we can create an increasingly effective deterrent and an apprehension capacity. The Southwest Border, for example, Operation Alliance, which is going to be not fully implemented for 18 months, is going to do exactly that. We will be putting across our Southwest Border five or six Aerostat balloons with 360 degree radar coverage. E2C planes are flying already. We'll be putting in C3 centers along there to detect, intercept, track and apprehend people coming across the border. We've already deployed thousands——

Mr. GILMAN. Mr. Trott, if I might interrupt you, forgive me for interrupting you. Mr. von Raab sat there at this table this morning. The question was asked by the gentleman from Florida, Mr. Shaw, of Mr. von Raab, you've told us you estimate you've interdicted the supply of cocaine by 30 percent, you've interdicted the supply of heroin by 7 percent. How much do you project you can interdict with all of the additional equipment and funds that we're providing?

The response was, as I recall, it would be about the same, that he didn't anticipate that there would be any major increase in interdiction despite the additional equipment, despite the additional methods——

Mr. TROTT. I'm much, many more times optimistic. I believe that when we—we have no effective radar curtain across that Southwest——

Mr. GILMAN. Let's assume you put the radar curtain out there and all the additional equipment supply, what do you anticipate we can reduce the supply by?

Mr. TROTT. I have no idea, but I'll tell you what our goal is—to interdict everything that we possibly can get our hands on. We have now between the ports of entry cross-designated border patrol people and we're throwing in massive new resources of Border Patrol people. They'll have customs authority; they'll have Title 21 authority. We're cross designating all across the border and our objective is to create exactly what you would like to see. Some sort of a network that is effective in terms of interdicting what's coming across and operates and functions as a deterrent.

Now, your next question ought to be is where will the problem go then? Because as long as there is the magnet here attracting this, people are going to be trying to figure out ways to get it in. That's why on the Southeast Border——

Mr. GILMAN. No, Mr. Trott, my next question would be that apparently you have neglected then or are willing to set aside or by necessity are setting aside the problem of production out of Colombia. You're saying what about our demand and let's seal off our borders and let's forget the production in Colombia.

Mr. TROTT. No, Congressman, I'm not indicating that at all. DEA—I hate to keep lateraling the ball, but DEA has programs——

Mr. GILMAN. DEA isn't in charge of production. Their responsibility—now, maybe I'm wrong, is enforcement. Is that not their responsibility? They're not in the eradication business.

Mr. RANGEL. Just a minute, now. DEA is prepared to do what has to be done. There may be some problem with whether or not they have the equipment, the aero-commanders to do it.

But even if they had the equipment that some of them think that they need, they cannot do it without the consent of the government.

Mr. TROTT. That's exactly right.

Mr. RANGEL. If the government says that they have a true cease fire or some working arrangement with the rebels or the Communists or the terrorists, then DEA certainly can't go in there and destroy labs.

Mr. TROTT. That is absolutely, that's clear and——

Mr. RANGEL. So there's no one that's telling——

Mr. TROTT [continuing]. The United States and tell us what to do either, can they?

Mr. RANGEL. Well, I tell you this. If you take a look and see what Colombia is requesting of these great United States, there should be somebody telling them that we should have the right to assist them in going after those labs.

And I suspect that this is something that you can't talk about. But certainly we never heard anyone saying that those labs are processing cocaine that's coming into these United States. Now, it's great to have dedicated DEA agents. But if they can't give assistance in getting to the labs——

Mr. TROTT. Bolivia was a breakthrough. Blast Furnace is a model. And that's why I keep asking Jack to talk about this, because that's part and parcel of what you're talking about.

Mr. RANGEL. Well, I'll ask you something about Bolivia. The Bolivians grabbed us while we were there. And what they're talking about asking the United States Congress and the United States State Department to support in their effort to eradicate—if the American farmers ever found out about it you'd have a farm bill that you never heard of. Are you familiar with the deal that we're about to cut with them? $2,000 an acre, a hectare, direct cash payment, for not growing illegal coca plant. I mean, it is fantastic. I mean, this'll make the Marshall Plan look like nothing. And that's, you know——

Mr. TROTT. Well, the intent of that is to break the cycle, to crack the addiction to narco-dollars and to put people into a different way of life style so that there won't be an economic incentive, if you can call it that, to produce illegal drugs.

The objective, I think, is a good objective that we share. I'd like to know who else, what other ways are there of coming up with inventive ideas to try to break the cycle?

Mr. RANGEL. Is that firm? Has a decision been made on that?

Mr. TROTT. I don't know; you'd have to talk to the State Department. I don't have that answer.

Mr. RANGEL. Okay.

Mr. Gilman. Mr. Trott, my time is gone, and I just hope that the National Policy Board would take a good, hard look at the assessment made by the Office of Technology Assessment.

Mr. Trott. We certainly will.

Mr. Gilman. And if they are constructive, to please try to implement and adopt some of those recommendations.

Mr. Trott. I guarantee you that that's the attitude that we approach everything with. We don't have a not invented here attitude. If somebody else has a good idea, we'll adopt it.

Mr. Gilman. For far too long, we've been doing the bandaid approach. We react to the crisis, we put a bandaid on the problem. But our strategies lack a great deal of long range planning, and international planning. I hope that you would include that in your planning.

Thank you.

Mr. Trott. Thank you.

Mr. Rangel. Tom Lewis.

Mr. Lewis. Thank you, Mr. Chairman. Mr. Trott, I want to ask you a couple of questions. With the Federally assisted drug law enforcement program that we passed last year—for example, $7.5 million for local law enforcement agencies—through the efforts of this committee a couple of years ago we set up a law enforcement committee down there to get the local law enforcement officers working with the Federal law enforcement officers, and this has been very highly successful as a matter of fact. And of course Jack Lawn's DEA are still the stars, the local law enforcement officials trust them above anybody else.

With the advent of the drug law enforcement program, which was enacted almost six months ago, these people are waiting dramatically these funds to be submitted. $285,024 administrative money was passed on to the state by the Justice Department.

Now, I have some great concerns, when we do things like this because we get more bureaucrats involved and we get more administrative money spent than we should and less money goes to the people that need it.

Now, it's my understanding that applications have been mailed to the states for this money. Florida, for example, expects to receive their applications by the end of this week?

Mr. Trott. I can't tell you what the mail will produce. But I can tell you that the——

Mr. Lewis. Can somebody in your department tell us?

Mr. Trott [continuing]. Bureau of Justice Assistance and the Office of Justice Programs received orders the day that we got Congressional authority to make this happen and make it happen fast. There are no delays that I am aware of in getting out the information needed by the states to put these together and the direction and assistance to governors to put together the programs and the plans that the states must come up with in order to qualify for the funds. We've been up front as the legislation allowed us to be with getting out the money so that the administrative costs could be borne while they were putting this together. We continued to take one approach and that is get it done and get it done fast.

Mr. Lewis. I understand your need for a state-wide strategy plan from all of the states. But it was my understanding when these funds were made available to the local law enforcement agencies within the states that they could use this money for whatever they needed it for. If they needed additional personnel, additional vehicles, radios, that's what the money was available for.

Now, just how in depth will the state have to come up with a plan? In Florida, we have been apprehending drug smugglers and having drug interdiction programs going on for several years.

Mr. TROTT. We are not going to red tape this to death. There are seven categories that this money is eligible for. We have spelled all those out. We have made available our United States Attorneys, Law Enforcement Coordinating Committees, our experts and we will defer to the best judgment of the state plans. And if they come up with a plan that colorably will attack the problem, you can bet your bottom dollar we're going to be there to dispense this money in accord with the law.

Mr. LEWIS. Who in the Department of Justice would my office be in contact with in coordination with our state on this?

Mr. TROTT. Well, the office of Mr. Rick Abell, is the Assistant Attorney General in that line, but your office could also contact Mr. Jim Knapp, who is my Deputy Associate, who will be able to help you directly on that if you need any specific information.

Don't worry. We're going to spend the money.

Mr. LEWIS. Well, that's what concerns me. Six months has gone by and we're always under the threat of losing this money, and these people have been waiting a long time for some assistance.

Mr. TROTT. There's plenty of time. It's not going to run out. A lot of it is just the requirements of the law that required a state to come up with a plan.

So we can't do anything except try to make it easy.

Mr. RANGEL. The Chairman of the Crime Subcommittee.

Mr. TROTT. Mr. Chairman, have a problem——

Mr. RANGEL. I was saying, Mr. Trott has to leave, Bill, but he will leave his assistant here and we haven't taken testimony yet from——

Mr. HUGHES. Before he leaves, I wonder if I can ask just a couple questions. Good morning.

I know you're rushing and I apologize for being late. But we had a caucus on the budget money simultaneously.

Just a couple questions. I understand that you have developed a management and communications plan with the National Policy Board.

Mr. TROTT. Yes.

Mr. HUGHES. Can you share a copy of that with us?

Mr. TROTT. Yes.

Mr. HUGHES. That would be very helpful.

Mr. TROTT. We worked that out at the Coordinating Group meeting before this last one. We presented the proposal as adopted by the group and we are now in the process of structuring it.

Mr. HUGHES. What is to become of the old National Drug Enforcement Policy Board?

Mr. TROTT. It just turns into the National Drug Policy Board and becomes larger by bringing into it the what we call and what you call also the demand side as well as the supply side.

It was Enforcement Policy Board. Enforcement is out, so now it's everything.

Mr. HUGHES. So it's being folded in?

Mr. TROTT. Yes. Dr. Bowen comes in for HHS and we have two coordinating groups with a single unitary staff.

Mr. HUGHES. One of the concerns that I've talked with Justice about over the years, and I know that both the Chairman and Mr. Gilman have similar concerns, the new relationship with the FBI. It has been successful and we've used FBI resources. Obviously, we've had to free FBI up in other areas to take on drug work. But in at least a half dozen countries where I have traveled, I have heard concerns expressed. One of the reasons why DEA enjoys tremendous cooperation around the world in drug intelligence gathering, training of drug enforcement and paramilitary forces and in drug trafficking efforts generally, is because they're a one mission agency. Is there any further talk about a merger of DEA and FBI that would undercut that?

Mr. TROTT. Whenever you have agencies with similar jurisdiction, agencies that are separate, you have complications that have to be worked out.

Conversation continues to make sure that if we have DEA and FBI working against the same targets, it's done in the most appropriate way. No decisions have been made one way or the other except to make sure that whatever happens, that the great strengths and the abilities of DEA, no matter what happens, are retained, because I agree with you completely. DEA has done a marvelous job, especially in——

Mr. HUGHES. Well, my concern is that at one time a few years ago there was talk about a merger. I think that's an absolute mistake. That would just directly undercut our efforts, particularly overseas, which is where we should be doing a great deal more work in strengthening our foreign cooperative investigative program.

I've talked to a number of people in host governments around the world who have told me that if we mix intelligence gathering, counter-intelligence which is one of the FBI functions, with drugs, they don't want to hear that.

One reason DEA in fact enjoys the kind of cooperation they do is because they are a single mission agency and countries can relate to that.

You start getting involved in intelligence gathering, espionage and other areas and you're going to lose that capability. And that concerns me.

Mr. TROTT. That capability is important, we agree with you.

Mr. HUGHES. One time, when William French Smith was before the committee, and others, we had an understanding if in fact there was any movement in that direction they would come to the Congress.

Is that still the understanding to the Justice Department?

Mr. TROTT. I wasn't privy to that but I doubt that anything like that could take place because of what it entails without Congressional input.

Mr. HUGHES. That was the commitment that we had and we would hope that that is still a commitment. It's still the same administration.

Mr. TROTT. I will discuss this personally with the Attorney General and pass on your statement.

Mr. HUGHES. And finally, Mr. Chairman, I notice, and Jack Lawn's going to be testifying later, that some funds out of Justice Assistance moved over to the Drug Diversion area.

I asked the Attorney General when he was in before the Judiciary Committee a couple weeks ago, what happened to the $2.7 billion that DEA in fact begged for a couple years ago that was going to be used for diversion?

We have the capability of targeting parts of the country and moving diversion units into those areas to try to do a better job.

In fact, at DEA's request, we developed a block grant program in the 98th Congress, I believe it was, and we funded it. We funded in the last round of funding $2.7 million for diversion which has not been spent. The Attorney General indicated that he didn't know why.

Do you have any idea why that money was not utilized?

Mr. TROTT. No, I don't. But I will ask Mr. Blau behind me to make sure that we get an answer to that question for you.

Mr. HUGHES. Diversion is a serious problem and we should not be diverting monies out of Justice Assistance. We had a program to deal with the diversion problem and that is where we should be spending the money.

Apparently OMB, from what we understand, in fact blocked the use of those monies, which gives me great concern.

Mr. TROTT. If there's an answer, it'll be to you in short order.

This may have been as a result of a GAO study that said DEA shouldn't be involved in state and local diversion problems, but I'm not sure of that. And we'll track it down.

Mr. HUGHES. The General Accounting Office has nothing to do with what Congress has already provided. I mean, we provided legislation sought by the Administration.

Mr. TROTT. I agree. We'll track it down and get you an answer.

Mr. HUGHES. Finally, can you share with the committee the minutes of the coordinating group?

Mr. TROTT. I have to check them. I have some of them with me. I was reading from some of them before you came, the agendas. I'll check and see if there's any classified information in there that can't be shared and I'll ask the Attorney General if there's a problem with that and we'll get you an answer.

Mr. RANGEL. Listen, you have to run. I hope that sometime you will be able to informally meet with us, and two, we want you to stress to the Attorney General we want to meet with him when he's able to schedule it and some members of Congress would like to sit in on one of these policy meetings to get a better understanding of what's going on.

Mr. TROTT. I can appreciate that. And we consider this to be a partnership between the Administration and the Congress. This is an issue that transcends our own parochial concerns. We have to continue as we have been doing, working together to attack it.

Thank you very much.

Mr. RANGEL. Your testimony will be entered without objection.

[Mr. Trott's full written testimony appears on p. 107.]

Mr. RANGEL. Mr. Lawn, your testimony has been read by the members and will be entered without objection into the record.

And you see the general thrust of the Committee members, because you've been here this morning. And you can help us not so much in sharing with us what DEA is doing but how you fit into this overall policy that we have, where I just don't see, with the great job that DEA is doing, that we can expect there be less drugs available for the American consumers.

So you can proceed any way that you like.

[Mr. John C. Lawn's full written testimony appears on p. 121.]

TESTIMONY OF JOHN C. LAWN, ADMINISTRATOR, DRUG ENFORCEMENT ADMINISTRATION

Mr. LAWN. Thank you, Mr. Chairman.

I would like to start by giving an example of how an effort was coordinated through the Drug Enforcement Policy Board.

Specifically, I would like to talk about a country that the Chairman and Congressman Gilman mentioned. And that is Bolivia.

The Government of Bolivia, through the IDEC, the International Drug Enforcement Conference, where we get together with the heads of the national narcotics bureaus from each of the South American countries, discussed how the South American countries could form a strategy to help one another.

One problem they said they had was a problem associated with lack of communication.

We came back to INM and we funded a communications network for six major countries in South America.

At the same time, they talked about needing resources. The Government of Bolivia then went to all of her sister countries and asked about resources and was told that resources were not available.

They came to DEA and asked for logistical support, they asked for helicopters.

We then went to the Drug Enforcement Policy Board and said we have a strategy where we can give logistical support to the Government of Bolivia which is asking for support, but it must be done expeditiously.

Within ten days, the Attorney General had requested this assistance of Mr. Weinberger. We had the helicopters which were sent to Bolivia to support the Bolivian operation.

You had referred to the operation as being controversial. I was down there on that operation. I was with the troops when we hit a refinery. The operation was successful. We never anticipated arrests being made because when you bring U.S. military aircraft into a country like Bolivia, you don't do it in a clandestine fashion.

21 refineries were destroyed, 22 trans-shipment points were destroyed, with a capability of producing about 15,000 kilograms of cocaine a week.

The price of coca leaf dropped from $125 per hundred-weight to $15 per hundred weight. The break even point for the farmer is $40 per hundred weight. Yesterday's price was $50.

We also, in an aerial survey, have determined that some of those refineries are back in existence again. The helicopters that were used for last year's operation were returned to the military, but again, we went to our friend, General Olmstead, and said can you replace these helicopters? They have been replaced. Bolivian troops are currently training in those helicopters. This morning three of those helicopters are out in the Beni and they're going back to destroy the same refineries that were destroyed last year.

This was all accomplished through the Drug Policy Board. True, its only one piece of kindling. But we see it as the forerunner for more cooperation among these countries.

Next week I'm meeting with the heads of the National Police of each of the countries again and we're going to try to develop a strategy for South America. Other countries in South America have asked us to work with them on doing a Blast Furnace like operation.

Mr. RANGEL. Was our accounting of the situation in Colombia correct?

Mr. LAWN. Yes, sir. Your accounting of the difficulties encountered in Colombia was correct with one exception, and I'm sure you don't know the follow-up of your meeting.

As a result of your meeting with the President where you questioned the President about why refineries were not being hit in FARC territory and he said there is no FARC territory, there is only Colombian territory. The President, as a follow-up to your meeting, went to the military and said why are we not doing what we should be doing. And we have been told that if not today, within the next few days, the Colombian National Police will be out there. And if I could present you with a battle star, I certainly would, because it was a direct result of your personal meeting with President Barco.

Mr. RANGEL. I hate to break up your testimony. Mr. Shaw, would you mind if the members would inquire of Mr. Lawn?

Mr. GILMAN. Mr. Lawn, you've heard the OTA allegations I read earlier.

Do you have any comments you'd care to make with regard to them?

Mr. LAWN. Yes, sir. I have not had the benefit of reading the entire report. I have read a summary of the report.

The information that was contained in the report, however, was dated. If I had read the report one year ago, based upon the summary that I read, I would have agreed with some of the conclusions.

But I do see that there is a coordinated effort. I don't see an overlapping in jurisdiction. I do see we are using the technologies which they say are not being used.

Mr. GILMAN. I'm sorry. I didn't hear that last comment. We are?

Mr. LAWN. We are using the technologies that they say are not being used. And as General Olmstead had said earlier, the technology is there. I cannot recall an instance when I haven't called the General and asked for help where that help wasn't expeditiously given.

Mr. BLAU. If I may, Mr. Gilman, add to that. The Department of Defense is planning a rather extensive high technology review for drug law enforcement sponsored by the Department of Defense, and they have asked basically all the law enforcement components to provide technical experts to this conference which will take place in late Spring, early Summer, to review all of the technical, high technology available for law enforcement.

So I think some effort——

Mr. **Gilman**. Is that a first of its kind?

Mr. **Blau**. It is a first of its kind that I am aware of that DOD has sponsored such a conference, but we think it's a great idea and we're looking forward to it.

Mr. **Gilman**. Sounds encouraging.

Mr. Lawn, would you continue your assessment?

Mr. **Lawn**. Yes, sir. You had mentioned—oh, on the report. I don't find that the situation continues to be fragmented. When it comes to the budget, now with the Drug Policy Board——

Mr. **Gilman**. What about the overlapping?

Mr. **Lawn**. Certainly I think there will always be some overlapping, especially when more and more entities are coming into the drug battle. But I think the relationship among the agencies is better now than it has been, certainly in the past 20 years.

Mr. **Gilman**. One of our colleagues had pointed out earlier today about the overlapping between Customs and Coast Guard. You don't see any problem?

Mr. **Lawn**. Yes, sir, there was a problem and as Mr. Trott had mentioned earlier about the committees. Ann Wrobleski chaired a committee on foreign operations. With the anti-drug legislation of 1986, Customs was given $10 million and authority to work with a Bahamian Task Force. The question then came up, does Customs, U.S. Customs, have authority to work in a foreign country?

The Commissioner's view was that it was the intent of Congress and therefore there is an implied jurisdiction to work overseas. The Coast Guard said no, that the jurisdiction belongs to the United States Coast Guard.

We had a meeting with the subcommittee and that issue was resolved. The $10 million that was provided and the support that was needed in the Bahamas was then provided to entirely of the Coast Guard and the Coast Guard is making six helicopters available and they will be the ones supporting the Bahamian effort and not the Customs Service.

Mr. **Gilman**. How do you respond to the lack of proper intelligence sharing and the ineffective network that OTA points out?

Mr. **Lawn**. Certainly, there is never enough intelligence. We have done a considerable amount of work on intelligence sharing. We have for example in some of our foreign operations, we have Customs personnel reviewing all of the information we developed to see if it can be used for interdiction purposes.

We have members of the intelligence community in our intelligence office in Washington, D.C. seeing where information that has been developed can be used. There is not enough intelligence.

But we think that the effort is better than it has been and it can be better yet.

Mr. **Gilman**. You're trying to increase the effectiveness of the sharing.

Mr. Blau, did you want to comment on that?

Mr. **Blau**. Yes. One other important, concerning the overall picture. We have asked on the Policy Board Mr. Lawn to chair a drug intelligence subcommittee basically to look at the intelligence picture both from a strategic standpoint and from a tactical standpoint which is primarily directed toward the interdiction effort and a standing subcommittee has been created between the agencies with Mr. Lawn as the chair to look at the interdiction side of the house and the strategic side of the house and quite frankly see what improvements we're going to have to come up with to improve our tactical and strategic capability.

Mr. **Gilman**. Has the military been brought into the intelligence sharing?

Mr. **Blau**. Yes, sir.

Mr. **Gilman**. Intelligence capability?

Mr. **Blau**. Yes, sir. They are very much a part of this and they have a great deal of expertise, particularly in secure communications, satellite things, that type of thing, and we definitely are glad that they are involved in the effort, and they have contributed greatly to this process.

Mr. **Lawn**. If I can expand upon that, sir, just for a moment.

A week ago I had a meeting with the Commandant of the Coast Guard about the "C cube" (C3I) centers, the command control centers. Both the Customs Service and the Coast Guard were planning a C cube center in Florida. The military then said that they had the capability already in existence at a military base and included in that facility was some NORAD capability. The military suggested that that intelligence center, the civilian intelligence center, be located approximate to the military center so that in time of war, the entire structure could be used for the primary defense of the country.

Mr. **Gilman**. In the Anti-Drug Abuse Act of 1986, we provided for the establishment of an all source intelligence center, the ASIC.

What's the status of that center?

Mr. **Blau**. The status of the center, Congressman, is that we originally looked at the question as whether we needed simply a center to support tactical intelligence, that is, an enhancement of the national center at EPIC, or we needed something different.

What we have come to, at least preliminarily, is that one, there needs to be an improvement in the EPIC system and are using the money that you have provided to do that, about $7.5 million, and secondly, to then look at the question of strategic intelligence to determine whether there is a need for a national center. And there's all sorts of subissues under that.

For example, just to give you an example from my perspective as a prosecutor, the segregation issue of intelligence sources and processes is a very, very critical issue. Not mixing those two up so that we risk those processes in an open courtroom and, or at the same time, protect the defendant's rights to have the evidence presented against him is very important.

So all those things right now are being looked at and the ASIC I think will become a reality in this next year. Placement of it is not yet decided. There are different views on that. But it is actively being pursued by Mr. Lawn's subcommittee and the Policy Board at this time.

Mr. **Gilman**. I don't think it was the Congressional intent to just revise EPIC or to expand EPIC. I think what we were seeking was to bring together all of our drug intelligence resources and to try to coordinate the tasking, the collection, the analysis and dissemination in a brand new body and I hope that you're going to take a look at what the Congressional intent was.

Mr. Lawn, did you want to comment?

Mr. **Lawn**. Yes, sir, that's exactly what I was going to say, that part of my mandate as Chairman of the Intelligence Subcommittee is to look at that very issue, to determine whether as a facility EPIC should be expanded so that there would be a separate part of EPIC which would house an ASIC or whether it is more prudent for it to be somewhere else. This is part of my mandate.

Mr. **Gilman**. Just one other request of you. As we travel from country to country in the drug producing areas, and the drug distribution areas, we find a lack of personnel in some of these areas. Are you, are the budget constraints affecting your operational capability out in the field?

Mr. **Lawn**. The budget constraints had been a problem until last year when the Congress granted an additional $60 million to us. That will mean an immediate enhancement for us in South America for example, of 33 special agents and 50 support people. We are currently recruiting for those positions. And I think they were sorely needed and they will be in place before the end of the year.

Mr. **Gilman**. I hope you will take a look at the European continent, the African continent, where we have one or two agents covering 7, 8, to 10 countries out of one office.

Mr. **Lawn**. Yes, sir, I will.

Mr. **Rangel**. Mr. Lewis.

Mr. **Lewis**. No questions for Mr. Lawn, Mr. Chairman. Just thank you for a great job.

Mr. **Lawn**. Thank you, sir.

Mr. **Rangel**. Mr. Hughes.

Mr. **Hughes**. Thank you. And good morning and welcome.

I have a couple of questions. I want to follow up on Ben Gilman's line of inquiry dealing with land control and communications. Apparently you feel that you can do a more effective job in the area of intelligence gathering.

Commissioner von Raab was in this morning and testified about C3I and a couple of weekends ago I did see Blue Lightning, an impressive new capability in South Florida. But I often wonder, why isn't there coordination between EPIC, C3I and this NORAD? I mean we have so many agencies, or so many different intelligence gathering capabilities, and even when you folks at Headquarters talk, you're still running investigations in many communities where different agencies stumble over one another.

I think in one area I saw about four different investigations involving the same people by state and federal authorities, including wiretaps. It's a wonder that they didn't stumble upon one another as they traveled throughout the community. It's incredible. And every time we turn around we're developing new capability. And I know you are studying, but from the standpoint of how in the world can we eliminate some of the redundancy and some of the matters falling through the cracks in fact if we don't try to implement what the Congress tried to do—I know it's a bad word—the so-called drug czar—to try to pull all of this together?

Even when you recommend something, Mr. Lawn, I suspect that unless you have somebody like the Vice President in South Florida who when he says we need three more Customs Agents in Miami, it occurs overnight, that unless you have somebody in that position with that kind of clout making those decisions, how can you implement it?

Mr. LAWN. Congressman Hughes, that certainly was a problem. I have experienced the same frustration as you when you travel to Florida for example and you see the Customs Service running on a target and the Coast Guard running on the same target and our helicopters from the Bahamas running on the same target.

This was the reason why the Center in Miami, the Command and Control Center that we talked about, hopefully that will be located at Tyndall Air Force Base, is so very important.

The problem came up as to who was in charge and that's always an issue. In law enforcement and in war, running an operation by majority vote just doesn't work. The Customs Service maintains that, since Congress mandated that the C Cube Center be built, that Customs was in charge. The Coast Guard said that certainly they wanted to participate in the program, but can a representative of the Customs Service tell a Coast Guard airplane how to get to a target and how to attack a vessel that won't show its colors?

It was taken to the Drug Policy Board; Monday night there was a late hour meeting between Mr. Trott, Commissioner von Raab and Admiral Yost and that issue was resolved. The center will be built. It will be a joint Customs-Coast Guard center. It will have a link to the El Paso Intelligence Center and beginning in January 1989, command of that intelligence center will be rotated every other year.

In January of 1989 the Coast Guard will be in charge; the deputy will be from the Customs Service. So hopefully that issue is one that is on the drawing board for resolution.

Mr. HUGHES. I see some other things occurring that give me pause. I'm not sure really what the answer is.

I see us moving into areas such as air interdiction, which really has been a Coast Guard responsibility, and I see Customs moving into that area more and more. It's almost like an ongoing type of growth, and everybody is looking at whether we're now just proliferating part of the overall problem that we presently have of fragmentation.

Mr. LAWN. Yes, sir. Again, that was a part of what the Anti-Drug Abuse Act of 1986 asked that be looked into in that we were asked to prepare any proposals for reorganizations to eliminate redundancy.

Such proposals have now been sent over to the Attorney General and to the Drug Enforcement Policy Board for resolution.

Mr. BLAU. One other thing, Congressman Hughes. In addition to the requirement for strategy reorganization, a reorganization plan involving all of government in this effort, Congress also called for a development of a comprehensive interdiction strategy which specifically deals with air interdiction responsibilities and marine interdiction responsibilities, apprehension responsibilities, tracking responsibilities, et cetera. And basically, the Policy Board is indeed, and has a standing group chaired by DOD again looking at the mission.

Mr. HUGHES. One of my colleagues said also not very long ago that Customs plans to develop investigating domestically drug traffic in midair. How is that going to interface with DEA?

Mr. LAWN. If it is the same plan that I hope it is, Congressman Hughes, we have groups at the Southwest Border, at Operation Alliance, where DEA personnel will be aboard the Customs aircraft and that where necessary, Customs Agents will be cross designated with Title 21 authority where they will work under the supervision of DEA and I hope that that is the area to which you refer.

Mr. HUGHES. My time has expired, but let me just ask one additional question.

Can you tell me what has happened to that $2.7 million that we placed in the budget in the appropriation bill for the diversion——

Mr. LAWN. The statement given by Mr. Trott that OMB should not be in the purview——

Mr. HUGHES. I said that. I don't know if Mr. Trott knew. That was my understanding. Was that your understanding?

Mr. LAWN. Yes, sir, that is also my understanding. Like you, we know the diversion issue to be a very real issue and when we talk about problems with source countries, we are a source country. Half the deaths in this country, overdose deaths, are caused by drugs manufactured in the United States. And the diversion program is absolutely critical if we are to be serious about doing something about drugs in this country.

Mr. HUGHES. Mr. Chairman, I have no further questions. We are going to be conducting some oversight hearings in our subcommittee in connection with our authorization of DEA's budget and one of the things that we hope to get into is the question of priority. Looking at total dollars, I'd spend, as I'm sure most of my colleagues would, more money on education, more money on treatment, then after that, in the enforcement area, and I don't see it occurring yet, I'd spend more money on containment in source countries, particularly intelligence gathering, strengthening of foregin investigative, the foreign cooperative investigative program, which I don't think has been strengthened enough yet.

After crop eradication and crop substitution, I think that good, hard intelligence gathering overseas in particular, trying to contain in source countries is the next line of defense.

I see inadequacies now, even though we've made major strides. DEA does an excellent job. Sometimes people don't know just how effective DEA is in many of its areas. However, that is certainly one of the most successful areas of DEA. And I hope they can pursue that during our authorization hearings.

Mr. LAWN. Thank you, Congressman Hughes. You have touched upon a very critical issue in putting together an international strategy. When we talk about interdiction and the effectiveness, there is tremendously greater effect that we can realize in source countries and working in source countries, in developing intelligence, and I think we can, when we get to the mouth of the funnel, as the ships and aircraft enter United States space.

Mr. **Rangel**. Thank you, Mr. Lawn, and I hope to work with you so that I can share some of the information you get so that we don't have our witnesses whiplashed between the committees.

But I was really impressed with an operation that DEA had in cooperation with law enforcement and military in the Dominican Republic. It just seemed to me that—do you have operations like that in other places, without going into any detail?

Mr. **Lawn**. Yes, sir, we do. That was one that's of recent vintage, about 18 months old. It is a model program and we have used that model elsewhere.

Mr. **Rangel**. I'd like for you at some other time to discuss that with us, because it really looks like you have a center there that's doing a good job.

Mr. **Lawn**. Thank you, Mr. Chairman.

Mr. **Rangel**. Mr. Shaw, your testimony will appear in the record and you can testify as you feel most comfortable. I think we've really covered, for Mr. Blau and Mr. Lawn, the major thrust of this committee. And we seriously hope that we can get together in an informal way and get a better understanding of how this thing is coordinated.

The problem that this Congress is having is that our committees have been looking into each section of your responsibilities and we don't have any problem with anybody.

When you bring it all together in terms of a national strategy, we can't see how those pieces fit. We go into countries and sometimes we don't see where this policy that you're dealing with on top filters down. Sometimes we don't even see within the State Department whether the policies are the same as relates to the drug problem. And we know that when you're dealing with these foreign countries, you just can't go in there talking about eradication of drugs, you have to talk about the relationship that your country has with their country. And it's really embarrassing to see the apparent lack of coordination from country to country dealing. It's embarrassing for our Ambassadors to be giving help with one hand and cutting assistance on the other hand.

And that's why we don't want to be privy to anything we shouldn't be, but we need a better understanding of this Policy Council meeting which Mr. Trott is Executive Director of and I hope you can help us to get it, Mr. Blau. Thank you.

Mr. **Hughes**. Just one question, before Mr. Blau leaves. You know, one of the things that we developed—in fact, in our Subcommittee in writing Title I of the Omnibus Drug bill in the last Congress, there was some money for State and Federal assistance.

I don't know whether questions were raised earlier about the program, but it's, as you know, zero funded in the President's budget.

One of the reasons why we in fact included money in there is because we're developing new task force operations, that are very successful.

DEA task force operations domestically have really leveraged a small amount of Federal funds and brought the law enforcement community together at the Federal, State and local level and they have done a very good job. And to expand them makes sense.

The states in many instances have the same problems. They're cutting funds bank.

We have DEA as the lead in developing much of that Federal-State block grant program, some of that discretionary money, so that they could move that money around to the states to enable them to participate in these task force operations.

I don't have to tell you 90 percent of street crime is prosecuted at the local level anyway. And to zero fund at this time the Federal-State program just undercuts that whole initiative.

Moreover, any programs that are begun by the state in one year that are in fact shelved the second year just undercuts that whole program. It's almost like a waste of those resources.

We can't possibly have an effective strategy by funding in one year and then cutting the heart out of it the second year. That's what has happened.

But it was our committee's determination that the states needed some resources to participate in these state and local task force operations.

Mr. RANGEL. Any comment, Mr. Blau, on the proposed budget limitation of local and state law enforcement?

Mr. BLAU. No, sir, other than the Congress' viewpoint is, I think, well known in the Administration, and obviously, we have had great communications with a number of states on the very same issue. So it's not an issue that we're dodging. It is simply a difference of opinion in the Administration as to how this money should be spent.

Mr. RANGEL. Sometimes you wonder about that. Is OMB a part of the Policy Board?

Mr. BLAU. Yes, sir; they attend all of our meetings and indeed are participating in most of the subcommittees. For example, we're working on a very critical issue on jails and prison space which is an enormously difficult problem for us right now, looking at the shortfalls that we're going to look at for the next five years.

And OMB has been a very important participant in that process that I oversee.

Mr. RANGEL. Well, how does this work? Who sits on the Board representing the Office of Management and Budget? Is he an expert in drug problems, or just an accountant?

Mr. BLAU. I'm not being facetious. The person who sits at Policy Board level would be the Director of OMB personally.

Mr. RANGEL. What would he know about priorities in terms of your job?

Mr. BLAU. Well, basically what he knows is that he has a very large staff of people who review agency budgets and what they do and where the dollars are spent——

Mr. RANGEL. Well, who is the person that can determine whether or not local and state law enforcement is a low priority?

Mr. BLAU. If I could finish my statement. In addition to that, OMB for the first time in this process has given the Government a crosscut analysis, if you will, of all the different parts of the budget, who is spending what in what area. And that has been very, very important for planning for the future as to where resources should be allocated.

Mr. RANGEL. Wait a minute.

They wiped out, they reduced by $150 million the Congressional allocation for drug prevention and education. Now, did that come up with Mr. Miller at a policy board that you had intended just to, why in the 1988 budget the Administration would be asking for a cut of $150 million in education?

Mr. BLAU. Those issues were indeed discussed at the Policy Board.

Mr. RANGEL. And they were agreed upon by the members of the Policy Board?

Mr. BLAU. I can't say whether they were agreed to or not, Congressman. I——

Mr. RANGEL. Congressman Hughes talked about local and state law enforcement. We had $225 million in there for 1988.

Mr. BLAU. That's correct.

Mr. RANGEL. Now, I don't understand how OMB has a cross section of how everything is done, but how is that presented to you in law enforcement as being not worthy of support, $225 million?

Mr. BLAU. I don't think, again, it's a question of worthiness at all; it's a question basically I think the Administration believes that the money from the federal standpoint would be better spent on federal law enforcement as opposed to funding state and local entities. That is the issue.

You disagree with that. I think many people have told us they are also in disagreement and the issue is quite clearly framed. It's something the Board is aware of. I don't know what——

Mr. RANGEL. I just don't see how you could disagree with that, that you know, the federal, the U.S. Attorney's office and DEA, the percentage of arrests that are made for drug traffic have to be infinitesimal compared to the number of people that are being arrested for drug trafficking.

Mr. BLAU. I understand that, Congressman.

As Mr. Trott said, when the money was appropriated, the Justice Department acted quickly and put into place a very fast track to see that the money was properly spent. So I mean, it is not something that the Justice Department, has avoided. We tried to implement basically what the mandate of Congress was.

Mr. RANGEL. Well, I get the impression that the OMB representative is a little more equal than the rest of the participants at these meetings.

I mean, when he comes and says that this is what the quote "Administration" wants, that your expertise in terms of policy has to yield to the overall Administration's view.

Mr. BLAU. No, I don't think that that would be a correct statement.

I think basically there has been a great deal of dialogue and exchange on the particular issue. But we are also bound by a similar law that Congress passed and that was basically the Gramm-Rudman deficit reduction, and we find ourselves, and I think in fairness to OMB, they've got to look after the pocketbook as best they can as well.

Mr. RANGEL. So you don't have any problem with the final decision——

Mr. BLAU. I didn't say I had any problem or didn't have any problem. I'm saying basically your position is clear and I think the Administration's is different.

Mr. HUGHES. Mr Chairman, if you would yield for just a minute. One of the reasons why I'd like to see some of the minutes of the coordinating committees as well as the Drug Policy Board is because I'd like to just assure myself that somebody has said to OMB somewhere along the line, you know, it doesn't make sense; it's a waste of $225 million to put it out one year and cut the program off the second year.

I was just in Kentucky, in Ron Mazzoli's district in Louisville on Friday talking to a group called TRIAD, a community based group that is very much involved in substance abuse, and the law enforcement community is very much a part of that.

DEA and FBI have representatives on the board. And the point they made is that they hesitate to really implement the program because they can't possibly develop an effective strategy in one year. I mean, the drug problem is not going to disappear overnight.

And so what happens is you pump $225 million in for a program that's going to be aborted and you just undercut that initiative.

And I'd just like to assure myself that somebody is saying to OMB, hey, it's crazy. It's crazy to do that. First of all, you're making it impossible for the local authorities to participate in our task force operations. They don't have the resources. That's why DEA was given this additional money.

Second of all, you're going to have programs that are not going to be able to have any degree of continuity. You can't have a roller coaster type of funding and have an effective program.

I'd just like to assure myself that somebody is saying to OMB that that's crazy, that's a waste of money.

Mr. RANGEL. They have a language problem. It's a different view from OMB—well, I don't know what they're saying.

Mr. GILMAN. If the gentleman would yield, I think that that is a very important aspect of the whole problem. We have almost two parallel bodies going—the whole drug enforcement planning community on the one hand and the OMB on the other hand, and coming into conflict when it comes to providing the resources.

Who is the OMB representative to the Policy Board?

Mr. BLAU. I said, the Director of OMB, Mr. Miller, sits as Chairman——

Mr. GILMAN. So actually, he sits in on the meeting?

Mr. BLAU. Yes. He attends every meeting. Or a representative.

Mr. GILMAN. Well, who is the key guy who he assigns when he's not there?

Mr. BLAU. Carol Crawford sits on the Coordinating Group at every meeting and again, any subcommittee meetings, which touch upon budget issues, they have a representative in that process as well, so they are on a day to day basis very actively involved in the budgetary planning process for drug law enforcement——

Mr. GILMAN. Is there a section of OMB, Mr. Blau, that just deals with drug problems?

Mr. BLAU. There is a section of OMB that deals with each agency's particular budget and those may be more drugs. For example, DEA's representative would be solely drugs, FBI's would deal with other issues as well as drugs.

Mr. GILMAN. Thank you.

Mr. RANGEL. Thank you. I don't think any of us would have any further questions. You're welcome to stay.

Mr. LAWN. Thank you, Mr. Chairman. It's my pleasure.

TESTIMONY OF JOHN F. SHAW, ASSISTANT COMMISSIONER FOR INVESTIGATIONS, IMMIGRATION AND NATURALIZATION SERVICE

Mr. JOHN SHAW. I'm going to waive, Mr. Chairman, my formal statement. I also had synopsized it, and I'll waive that, for purposes of generating discussion or being responsive to questions.

I'll start with a very brief statement that the Immigration Service, I feel, is in an era, is in a time of major revitalization.

I know that the narcotic picture that you're going to discuss and putting that in the context of the struggle we have with illegal alien problems comprehensively, doesn't perhaps put a very optimistic aura on either of the problems.

But I address you today in the context of two major pieces of legislation. One, the Anti-Drug Abuse Act of 1986, which you asked us to testify on and respond to, and the provisions of that Act, which are not supported necessarily by substantial funds, nonetheless give us impetus to find a specific role or set of responsibilities for the Immigration Service that we're trying to respond to.

And more specifically, the Immigration Reform and Control Act that passed November 6, 1986, which we're in the midst now of preparing fairly extensive massive implementation plans. Because there are very specific drug control provisions in that Act as well.

With regard to my own program, interior enforcement, I'll address the border interdiction effort of Alliance as well and respond to any questions impacting the Immigration Service. I'd like to point out that the investigations program, under the provisions of both acts that I mentioned, is doubling its force in size.

We have a supplemental request, an appropriation bill for 1988 pending before the Congress that would allow me to increase my investigations interior enforcement program by 932 positions.

And for a program that has been static or in decline for ten years, that's good news to me.

More specifically, the provisions of the McKay Amendment under the Immigration Reform and Control Act has been supported by an appropriation request of 345 positions. I expect in 1988 an appropriation act and that request approved to be able to turn 345 agents onto this problem of tracking, identifying, tracking through various criminal justice processes at the state and local level, criminal alien narcotic offenders, criminal aliens who have committed either serious felonies or are already incarcerated in various state institutions across the length and breadth of this land for felony offenses that make them amenable, subject to deportation.

In addition, the Ackerman Amendment, under the Traffic or Narcotics Act, which is a Subpart M of the Anti-Drug Control Act of 1986, requires INS to identify and undertake four pilot city projects. We are in the process now of undertaking those pilots.

New York, Miami, Chicago, Los Angeles are the pilot cities specifically to enhance the exchange of information and level of communication between state and local criminal justice entities and the Immigration Service for the specific purpose of identifying and taking effective action to remove, expeditiously deport aliens who have committee narcotic offenses within the—that would make them amenable to deportation.

The provisions of the Ackerman Amendment are allowing us or requiring us to develop telecommunications, ADP pilots as well, to expand for the first time INS' participation in accessing NCIC inlets for national communications, FBI and state and local supported international or national policy network, which up until now we have not had ability or capability to access.

We are working with the FBI NCIC Policy Board as well, to gain access to inlets and to NCIC for purposes of entering INS warrants of deportation where those warrants are supported by a criminal offense, an offense, a felony offense committed by an illegal alien in the United States or any narcotic related felony offense so that we can now enter our warrants into that national telecommunications network.

With that, I feel that we have at least begun to come out of the backwaters. We've started a process for the last six years of revitalization which has now translated itself after the ten year national debate on immigration reform into a national directive or policy or mandate from the Congress. We have responded with appropriation requests to rehabilitate, to revitalize the interior enforcement arm of the Service. In addressing the comprehensive problem of alien control we clearly recognize and I'm sure you in touch with your local jurisdictions recognize, that aliens have a substantial impact on criminal activity at the state and local level and on narcotics activity.

All aliens are not criminals. But the mere fact that the magnitude of the problem is there, that they have moved into our inner cities in great numbers, has certainly put the problem in focus.

And that problem is brought in sharp focus when you consider INS is responsible under law for responding to all enforcement aspects of enforcing the immigration laws.

And in New York City today we have 91 special agents, and we are at any given time possibly responsible to answering the calls for assistance from 30,000 New York City Police Officers.

It's in that context that the Administration and Department have given us strong support. I've alluded to some of the initiatives that we've undertaken. As well, we've come in this year as a full partner in the Organized Crime and Drug Enforcement Task Force.

INS officers will now staff, will not join those permanent staff of those crime and drug task forces with full time dedicated 13 coordinators in each of the 13 posted organized crime and drug task force regions.

Once our officers are in place, and those jobs are being advertised currently, we will then funnel cases and provide additional investigative support personnel, to those task force operations, so that INS, with its special language ability and its expertise, its understanding of ethnic criminal alien problems and its particular expertise in immigration law, can be an additional adjunct to the effectiveness of these organized crime drug enforcement task forces.

Mr. Blau was just here, Mr. Trott, we're strong exponents for INS to make a committment to these task force operations. We've made that committment. We're in the process now of garnering staff, both for coordination purposes and for adjunct investigative staff responsibilities in the context of the Organized Crime Drug Enforcement Task Force.

One final initiative that I will mention, and it's more in Mr. Blau's area of responsibility, and Mr. Trott, than my own. But I'm here speaking for the Service today and I will address our participation in Operation Alliance.

Operation Alliance, in addition to the other responsibilities or initiatives that I alluded to in the interior, is really for INS to exercise by reason of its presence as the only agency in many instances present along this expansive Southwest Border which extends from the Gulf of Mexico to San Ysidro, California, INS has taken on the responsibility for lead agency in interdiction between ports of entry, and in sending in additional manpower, money and technological support into that area in order to carry out its responsibility in this joint interagency operation.

It started the first incremental effort in October of 1986 and has now reached the six-month juncture.

Our officers there have DEA and Customs cross-designated authorities. And that brings me to the point that if there is an area that Congress can support us on and that we are now seeking to paper through the Justice Department processes, and that is to clarify the enforcement authorities of the INS officer, to give him his general enforcement authorities that will allow him without confusion to effect arrests for felony violations either committed in his presence or which he has reasonable suspicion were committed by a suspected felon while the felony offense relates to some other jurisdiction or some other area of U.S. law not directly immigration-related.

And we have asked our Office of Legislative Affairs at the Department to submit that bill to the Hill or that legislative initiative for consideration.

We are involved more and more on a daily basis with urging ethnic criminal group complex investigations, working in close conjunction with our brothers, our fellow law enforcement agents in other departments, in other agencies. And when we testify on the witness stand, when we conduct investigation, when we seek to collect and preserve evidence we are exposed to constraints and to problems of testimony, problems down the road, and liability, if we do not recognize that INS officers have sufficient training, they have the background and experience and they need the clarification of their authority.

With that, Mr. Chairman, I'll be very happy to respond to any questions.

[Mr. John Shaw's statement appears on p. 138.]

Mr. Rangel. Mr. Shaw, you are a breath of fresh air to me.

The enthusiasm that you bring to your testimony indicates a willingness not only to accept the mandate that the Congress has given you, but the fact that you are coming here asking for additional assistance to do it better is what we had hoped that we would be hearing from every agency and department.

Maybe I'm over-reacting, because I just don't remember INS in the past ever coming to their Congress and saying that we want to be the point on the borders and we want to get out there and give some assistance in this fight against narcotics.

But if I'm wrong or whether I'm right, what is important is the manner in which you address the problem. We want you to feel free to add to us a list of things that would improve your capability to be partners in this action. Certainly the question of clarification is going to be presented to Bill Hughes' committee and fortunately for you, he is here and he knows he has the support that we have throughout the Congress to do what he thinks is best. And you covered for me questions I've had about how these task force demonstration projects are working. It's almost unheard of for me to believe that Immigration is going to be going after the felons that have been convicted, or in jail, and deporting them. But it's music to my ears. And also your ethnic investigations, I don't see how you can not have full Peace Officer status, because in certain parts of my Congressional district, the entire narcotic trafficking is done by non-citizens, and assassinations, murders, assaults, by people who have no citizenship.

Mr. JOHN SHAW. I think, Mr. Chairman, we've been a missing piece of the puzzle. I think some of that has been the responsibility or the backwardness, perhaps, of the Agency as it has dealt with the overwhelming problem of numbers of illegal aliens, and it has tried to come up with comprehensive responses or strategies, with diminishing resources at a time we did not have clearly defined national policy.

I think the Congress has given us it now. I think some of it gets right down to the question of revitalization and professional pride.

I do not like to pick up the New York papers and hear Mr. Johnson, Sterling Johnson, say that we don't call INS. I've read the GAO reports in criminal aliens moving too readily through our system. We have a comprehensive approach here and it's going to take years to get sufficient automation to track with the state and local systems.

Privacy questions aside, there are legitimate law enforcement needs. We can do it. We're on the track with these four city pilots and we have the resource requests, and the resources requests have been strongly supported by the Department to allow us to recover from this apparent position of impotency or incapability.

And we have received extremely strong support from our Commissioner, who has brought cohesion and some continuity to the direction and the overall policy development of the Immigration Service by the very fact that he's been there five to six years.

So I think that we will not solve all your problems. We don't mean to suggest that we can. But I think there is a substantial role for the special expertise that we bring as Immigration Officers to this immense problem.

And I look forward to turning the corner to rebuilding some of the state and local relationships that have led to frustration over the past several years.

Now, the Congress also, the Senate side, gave impetus to this last year when they asked us to submit a national strategy to address this apparently growing if not out of control problem of criminal aliens in the United States.

On September 1, we submitted, and we made generous distribution of this—I believe, Mr. Chairman, we submitted a copy to you, because you've hit us with letters, you've been on top of this issue, you've asked us in very pointed letters; we've not always given you very immediate answers but that's because we're in the process of trying to make a positive statement in these implementation efforts that are now underway.

Any members of your Committee, if you have not received this report, it's entitled "Criminal Aliens, a Report to the Committee on Appropriations, United States Senate," and it lays out a three-phase strategy that we are now in the midst of implementing.

In addition, I do have a little monograph that we put out that may be of interest to you on some success cases with regard to the newest criminals, the emergency of non-traditional, organized ethnic crime groups, and INS' role in combatting them. It's very brief and it relates to successful prosecution brought by INS officers through strike forces, through normal U.S. Attorney Office prosecutorial operation.

Mr. RANGEL. We'd like to put those reports into the record.

[The two reports described are in the committee files.]

Mr. RANGEL. Mr. Gilman.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. Shaw, do I understand then that INS enforcement is now taking on the new drug responsibility that they didn't have before? Is that what you're saying to us?

Mr. John Shaw. I am saying because of the language that the Congress put in the Anti-Drug Control Act and levied specific requirements on Immigration by reference as well as specific provisions in the Immigration Reform Act relative to exclusion provisions and expedited deportation provisions of law, that we are well recognized, we well recognize today that that fits our enforcement context.

I don't like to say new responsibilities. I think it's more a recognition of a stronger application of effort.

Mr. GILMAN. A new emphasis?

Mr. JOHN SHAW. New emphasis.

Mr. GILMAN. Are you revising your training a bit then to take on this new emphasis?

Mr. JOHN SHAW. Yes, we are.

Mr. GILMAN. And are you putting any new personnel in charge of this approach?

Mr. JOHN SHAW. Well, we're increasing our staff, Mr. Gilman, in all of our 35 districts. It will take a while to bring 932 people on board and train them appropriately, and allocate them to the field. But clearly, those tracks are laid. And we are in the process now of recruiting and hiring and training and placing 932 new interior enforcement positions.

Border Patrol has 1100, specifically as part of the Morehead Amendment to the Immigration Reform Act, that they are allowed to hire to specifically support their border interdiction role.

Mr. GILMAN. Will there now be some drug training given to these new agents that wasn't given before? Will that be provided in training?

Mr. JOHN SHAW. Absolutely. We are in the process of revamping that. I think very much that INS should not be a criminal investigative agency if it does not have formal investigator training. Our officers today have a basic 14 to 15 IOBTC Immigration Officers Basic Training Course and then develop on-job training skills.

Mr. GILMAN. Do I understand you don't have Peace Officer status?

Mr. JOHN SHAW. That is right.

Mr. GILMAN. And you have made a request for that now that you're taking on these narcotic responsibilities?

Mr. JOHN SHAW. It has been papered; it has been submitted as a package to the Department. It failed, it fell out; I believe it was in the Dole Bill the last time. It hit the cutting floor; it did not make it through the last Congress. It's been resubmitted to the Office of Legislative Affairs at the Department for submitting to the Congress. As well, we have some legislative proposals we also have under consideration still undergoing agency review for more effective sanctions, for re-entry after deportation. We have a three-tiered, I think it's attached to our testimony, for you to consider the wisdom of that approach. We would like to address this problem, to nail people who are formerly deported and turn right around with a new identity or otherwise and come right back into the system. So there's a three-tiered approach, particularly for those who have committed particularly eggregious offenses. Rape, robbery, assaults against a person, murder, even they come back. And when they're back in the system, yes, they may get incarcerated, but we'd like to tack on a heavy 15-year penalty. And that approach is laid out as well as consideration by the Congress to add a provision of law to make absconding from an INS Administrative Hearing process a felony.

Administrative processes, under the Immigration Law, are viewed by many people as just that, as an administrative process not a criminal justice proceeding per se. Even though deportation can clearly be viewed as a Draconian resolution, of forcing someone out of the country, the means by which we identify people, plug them into a hearing process and control them during that, is quite limited, whether it regards, whether it has to do with our detention facility capability, whether it has to do with any sanction for a person failing to show, and what's his risk? On reapprehension, he's plugged back into the system.

We have under consideration a proposed amendment that would also make it a felony to abscond from that process. And our absconsion rate is very high.

Mr. GILMAN. I'd be pleased to yield to the Chairman.

Mr. RANGEL. Mr. Shaw, I want you to consider this committee as a part of your lobbying effort. If you could pull out of all of those papers the specific legislation that you're dealing with—as you know, the Select Committee has no legislative authority. But we are a composition of representation from the committees that impact on the narcotic question nationally and internationally.

And if you would paper, as you say, this Committee with your legislative program, you can count on our support in testifying in front of the legislative committee.

But in connection with Mr. Gilman's question of law enforcement status, are you receiving any opposition from any of your federal law enforcement colleagues?

Mr. JOHN SHAW. No. None, Mr. Chairman. We've walked it through Drug Enforcement Administration and the Federal Bureau of Investigation for specific approval last time. It took some degree of communication. They felt that we were not trying to expand our jurisdiction. As soon as they understood the merits of our position and what we were trying to do there was ready support for that position.

Mr. GILMAN. Was there any opposition from any source to you becoming peace officers?

Mr. JOHN SHAW. I don't think there was, Mr. Gilman. I think it's a question of clarifying misunderstandings. Immigration law can be rather a complex area if not a legal swamp. There are a lot of people that just don't understand exactly what it is we do and why we need enforcement authorities. And some of the feedback in the press has been on the Hill that they're concerned about these agents being out there uncontrolled. The idea of the Gestapo going out after a poor beleagured alien who comes here poverty stricken and is trying to just assimilate himself into the subclass, that's not the purpose. We're not going after the illegal alien who has not committed any crime other than entry without a visa.

Mr. GILMAN. Are you now sitting in on the coordinating level?

Mr. JOHN SHAW. Yes, we are.

Mr. Blau and Mr. Trott have been very supportive, and we have gotten strong support from the other federal agents.

Mr. GILMAN. Have you met with Sterling Johnson to find out what his feelings were?

Mr. JOHN SHAW. No, I've had my Assistant District Director, who is an old New York cop, go over and have a couple tete a tetes with him. I think we have a better understanding now. I've now been to New York recently. And at the LEC meeting in Baltimore, which I attended when Mr. Johnson preceded me on the agenda, we crossed. He got out before I could get to him. I know who he is.

Mr. GILMAN. He's a very dedicated prosecutor. And I hope that you would try to resolve his concerns.

Mr. JOHN SHAW. We have had conversation with him. And the fact that we have developed these understandings now with both state authorities in New York and more recently city criminal justice authorities, they see the good faith effort, the understand that INS has come up out of the trench and is willing to tackle the problem and is, and they're quite amenable. There is a good give and take. They are providing us some detention space while we're providing them more expeditious efforts to identify and remove.

So there's good reciprocity and I cannot say I've met Mr. Sterling Johnson yet.

Mr. GILMAN. Well, we welcome INS aboard in this battle and we wish you well in your endeavors, and we'll try to be supportive of whatever we can to assist you in taking a more effective approach to the problem. Thank you.

Mr. RANGEL. Mr. Shaw, we might ask, maybe we'll look into it, as to whether or not our five county districts might not benefit from a meeting with you, not just because you represent INS but in terms of your forceful appreciation of your new responsibilities, the enthusiasm which you bring to it. And the reason I say that is not to flatter you, but because our law enforcement needs a shot in the arm from the Federal Government and it's a general feeling that this is a local and state problem and has to be resolved by these people in the trenches.

And when we come to our Federal people, we don't get that reaching out that you have given to us this morning. And I think that if they could meet with you and know your commitment to assist them and you can share with them the time it's going to take for you to get all of your people on board and to train them, that it would help us in helping them in this struggle.

Mr. JOHN SHAW. I'll be very happy to.

Mr. RANGEL. Thank you, Mr. Shaw.

The committee now—oh, I'm so sorry, Mr. Lewis.

Mr. LEWIS. I just have a couple questions for Mr. Shaw, Mr. Chairman.

Mr. Shaw, you mentioned the computer pilot program under the Omnibus Drug Bill where your INS officers will be working with local law enforcement officers, and you named the cities. I have been trying to get in touch with Justice as well as my staff, and we're having great difficulty in trying to find out what the status of the Miami station is. What is the status of the Miami station?

Mr. JOHN SHAW. Well, I know, Mr. Lewis, that there was a meeting with the state authorities of Miami on February 26, I do know that.

And there were other meetings to follow up on that. On some of the problems of disparity, I know one of the issues that caused problems was whether state authorities could in fact cooperate in locating a single institution or directing it to more than one institution, but only a few of those incarcerated alien felons identified by INS for purposes of hearings and expeditious removal. And I know that was one of the hanging points.

We have not progressed as far in Miami or in Los Angeles as we have in New York and Chicago. As we develop these agreements in one city, we are going to furnish them to the District Director in the other cities to rivet his attention.

Now that we have formulated two agreements in New York, I am prepared to forward them to Mr. Rifkin and try to elicit perhaps a little more support or signs of activity. I think there is a strong feeling there that in each of these cities, that they're constrained by budgets, and that they could do more if the overburdened manpower in these offices could get some sustenance or reinforcements. They are only now able to make that promise or deliver on it.

So I will be shortly in touch with coordinators; and coordinators have been designated in each of these cities for the specific purpose of getting on with these pilots, whether it's identifying choke points in the system and piggybacking on existing local data bases, local systems, or whether it's a possibility of integrating our system and their system, if we could make them talk, for the effective exchange of information, as well as undertaking initiatives to bring Judges together which we've done in New York, to specific institutions, prior to the completion of sentences so that the deportation hearing process can start along with the incarceration or the detention of that alien.

We've managed to effect those for both the state institutions in New York as a pilot and the city jail system, the so-called Tombs Institution. As quickly as we can develop and pay for, document what has worked, and what's a worthwhile initiative in one city, we will furnish it to the others. And you've put your finger on a problem. We've not had much signs of motion in Miami, except I do know that there was a meeting February 26. I do know last week, I testified before Senator Chiles and his attention was closely focused on the problem. And I've got to follow through rather than run into difficulties now with two committee oversights.

Mr. LEWIS. Well, I'm sure that at your meeting with Senator Chiles last Thursday that you did hear from a number of Florida Sheriffs——

Mr. JOHN SHAW. They preceded me.

Mr. LEWIS [continuing]. One particular area that they are concerned about and have the most difficulty is with illegal aliens.

How are you going to involve local law enforcement agencies in the pilot program?

Mr. JOHN SHAW. Well, obviously, sir, we're going to start in the Miami area because that's where we happen to have the majority of the major portion of our work force.

We have 26 officers that cover the State of Florida. Most of them, 18 or 19, are in Miami. We have a few in Tampa, a few in Jacksonville. That's the INS presence in Florida that we're trying to rectify with the first shot in the arm on resources in the last ten years.

We've going to start in Miami because that's where the work force is that can conduct the liaison. If we can establish an effective pilot there, we will certainly try to expand it to other outlying jurisdictions. The main thing is to get started in the Greater Miami area and try to develop a success there that we can then expand to the other 26 or more local Justice agencies in the State of Florida.

Mr. LEWIS. What kind of input do you want from the local law enforcement agencies?

You haven't established that. I'd like to know how they are physically going to be involved with you.

Mr. JOHN SHAW. I guess I'd like to know where the choke points are in the system, how they identify and screen arrested persons, whether there are logical booking oints, whether there are probation offices that in the booking process attempt to develop information relative to the person's place of birth, country of origin, or ethnic background, which are legitimate questions for purposes of documenting or completing statistical information, biographical information during the booking process.

We'd like to know where there's choke points in the system that can facilitate the identification of these persons known or suspected to be illegal aliens so that we can then make a positive identification.

If they can do it through a computer data base, if they can exchange booking computer runs with us that we can then hit against our central index or our master index, it is an attempt to see if we can interrelate the so-called booking or records processes so that we can make positive identification. Many people, as in New York, have foreign born names. That's not a basis for deportation. We have to be able to positively identify that that person entered the country and/or committed a crime amenable to deportation. Otherwise, he falls into this larger mass of entry without inspection.

Mr. LEWIS. We understand that.

Mr. JOHN SHAW. We're trying to get to the serious nub of the problem.

Mr. GILMAN. Are there any further questions?

Mr. JOHN SHAW. I'll be glad to give you some insights into some of the processes or initiatives that we've established in New York so you could get an idea of what we're trying to do, how we're trying to approach it.

Mr. GILMAN. If there are no further questions, we want to thank you, Mr. Shaw, for appearing today and for your comprehensive testimony.

The hearing stands adjourned.

[Whereupon, at 12:48 p.m., the Committee adjourned.]

PREPARED STATEMENTS

OPENING STATEMENT

CHARLES B. RANGEL
CHAIRMAN

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

HEARING
DRUG LAW ENFORCEMENT AND INTERDICTION
UNDER THE ANTI-DRUG ABUSE ACT OF 1986

MARCH 19, 1987

GOOD MORNING. THIS HEARING IS THE FOURTH IN OUR SERIES OF OVERSIGHT HEARINGS ON THE PROVISIONS OF THE "ANTI-DRUG ABUSE ACT OF 1986." TO DATE, WE HAVE ADDRESSED THE AREAS OF DRUG ABUSE EDUCATION, FEDERAL ASSISTANCE TO STATE AND LOCAL DRUG LAW ENFORCEMENT, AND DRUG ABUSE TREATMENT. TODAY, WE WILL FOCUS ON THE FEDERAL DRUG ENFORCEMENT AND INTERDICTION PROVISIONS IN THE LEGISLATION.

OUR WITNESSES INCLUDE:

PANEL I

U.S. CUSTOMS SERVICE

WILLIAM VON RAAB, COMMISSIONER

U.S. COAST GUARD

ADMIRAL PAUL YOST, COMMANDANT

U.S. DEPARTMENT OF DEFENSE

MAJOR GENERAL STEPHEN G. OLMSTEAD, DEPARTMENT OF DEFENSE TASK FORCE ON DRUGS

PANEL II

DEPARTMENT OF JUSTICE AND ITS COMPONENT AGENCIES:

STEPHEN S. TROTT, ASSOCIATE ATTORNEY GENERAL AND CHAIRMAN ENFORCEMENT COORDINATING GROUP, NATIONAL DRUG POLICY BOARD

JOHN C. LAWN, ADMINISTRATOR, DRUG ENFORCEMENT ADMINISTRATION

JOHN F. SHAW, ASSISTANT COMMISSIONER FOR INVESTIGATIONS, THE IMMIGRATION AND NATURALIZATION SERVICE

THE "ANTI-DRUG ABUSE ACT OF 1986" WAS A MILESTONE IN THE WAR AGAINST DRUG TRAFFICKING AND ABUSE. UNDERLYING THIS LEGISLATION IS A COMPREHENSIVE NATIONAL DRUG POLICY THAT ADDRESSES ALL ASPECTS OF THE PROBLEM.

THE MEMBERS OF THIS COMMITTEE WORKED HARD TO DEVELOP AND SECURE PASSAGE OF THE "ANTI-DRUG ABUSE ACT OF 1986." WE SOUGHT TO PROVIDE THE RESOURCES ESSENTIAL TO WAGING A SUCCESSFUL WAR AGAINST DRUGS. WE REMEMBER THE EVENTS OF OCTOBER 27, 1986, THE DAY THE BILL WAS SIGNED. WE REMEMBER THE COMMITMENT WE MADE TO THE AMERICAN PEOPLE.

I AM AFRAID, HOWEVER, THAT THE PRESIDENT DOES NOT RECALL THE PROMISES OF OCTOBER 27. HIS PROPOSED 1988 BUDGET SUGGESTS THAT HE DOES NOT RECALL HIS PROMISES. DRUG ABUSE EDUCATION, TREATMENT, STATE AND LOCAL DRUG ENFORCEMENT FUNDS, AS WELL AS MONEY FOR FEDERAL DRUG LAW ENFORCEMENT AND INTERDICTION EFFORTS HAVE ALL BEEN REDUCED FOR FISCAL YEAR 1988.

AN EFFECTIVE RESPONSE TO OUR NATION'S DRUG PROBLEM WILL REQUIRE A LONG TERM COMMITMENT OF RESOURCES. IT CANNOT BE WON IN A YEAR, OR EVEN TWO.

THE COSTS OF THIS POLICY ARE SO CLEAR. ESTIMATES ARE THAT

THE SOCIAL AND ECONOMIC COSTS OF DRUG ABUSE PREVENTION; TREATMENT; RELATED CRIME, VIOLENCE, DEATH, AND PROPERTY DESTRUCTION; LOST PRODUCTIVITY; AND DRUG ENFORCEMENT WILL TOTAL AN ADDITIONAL $100 BILLION.

OUR FAILURE TO ACT IN THE PAST HAS RESULTED IN THE FLOOD OF DRUGS INTO THIS COUNTRY FROM ABROAD; AND THE DELUGE CONTINUES. THE SELECT COMMITTEE ESTIMATES THAT IN 1986, THAT 178 TONS OF COCAINE WERE DIRECTED AT THE UNITED STATES. THIS COMPARES TO 143 TONS IN 1985 AND 115.7 TONS IN 1984. AN ESTIMATED 12 TONS OF HEROIN ENTERED THE U.S. IN 1986.

ALTHOUGH THE COAST GUARD REPORTS A SIGNIFICANT INCREASE IN SEIZURES OF MARIJUANA COMING FROM COLOMBIA, THE SELECT COMMITTEE ESTIMATES THAT BETWEEN 30,000 AND 60,000 TONS OF MARIJUANA ARE STILL BEING SMUGGLED INTO THE UNITED STATES ANNUALLY. DURING 1986, THE ESTIMATED LEVEL OF HASHISH SMUGGLED INTO THE UNITED STATES REMAINED AT 200 TONS.

IN 1987, WE CAN EXPECT THE FLOW OF DRUGS DIRECTED AT THE UNITED STATES TO CONTINUE TO INCREASE. THE STATE DEPARTMENT HAS REPORTED BUMPER CROPS FOR 1986. COCAINE, MARIJUANA, HASHISH, AND HEROIN WILL INUNDATE OUR BORDERS FROM THE AIR, SEA, AND LAND.

UNTIL THE DAY THAT WE CAN STEM THE TIDE OF DRUGS AT THE

SOURCE THROUGH DIPLOMACY AND EFFECTIVE AND AGGRESSIVE ERADICATION PROGRAMS, A MAJOR COMMITMENT TO INTERDICTION AND FEDERAL DRUG LAW ENFORCEMENT IS CRITICAL TO AN EFFECTIVE AND COMPREHENSIVE ANTI-DRUG STRATEGY. ESSENTIAL TO EFFECTIVE INTERDICTION AND FEDERAL DRUG ENFORCEMENT ARE: COORDINATION AND COOPERATION AMONG THE AGENCIES; RELIABLE AND TIMELY STRATEGIC, TACTICAL, OPERATIONAL INTELLIGENCE; EFFECTIVE LAWS, AND ADEQUATE RESOURCES.

STRONG LEADERSHIP TO COORDINATE A NATIONAL NARCOTICS CONTROL STRATEGY IS VITAL TO OUR NATION'S FUTURE. THEREFORE, I WAS PLEASED TO NOTE THAT THE ADMINISTRATION WILL ATTEMPT TO CENTRALIZE DRUG CONTROL POLICY -- BOTH SUPPLY AND DEMAND -- IN ONE CABINET LEVEL BOARD, THE NATIONAL DRUG POLICY BOARD. I SINCERELY HOPE THAT THIS NEW POLICY BOARD WILL BE ABLE TO PROVIDE THE NECESSARY LEADERSHIP.

I AM CONCERNED, HOWEVER, THAT THIS NEW BOARD WILL NOT PROVIDE THE ANSWER TO TWO QUESTION THAT MANY OF US IN CONGRESS ARE ASKING: WHO IS IN CHARGE OF FEDERAL DRUG ABUSE POLICY? WHO WILL DETERMINE THE ADMINISTRATION'S DRUG-RELATED BUDGETARY PRIORITIES? I HOPE THAT MR. TROTT WILL BE ABLE TO PROVIDE US ANSWERS TO OUR CONCERNS ABOUT LEADERSHIP AND COOPERATION.

OUR ENFORCEMENT AND INTERDICTION EFFORTS MUST BE MORE THAN A

MATTER OF LUCK OR ACCIDENT. THIS REQUIRES RELIABLE INTELLIGENCE ABOUT BROAD TRENDS IN ORDER TO DEVELOP POLICIES AND PLAN, TACTICAL INFORMATION TO DETECT AND IDENTIFY TARGETS, AND OPERATIONAL INTELLIGENCE TO SUPPORT THE INVESTIGATIVE AND PROSECUTORIAL PROCESSES.

THE "ANTI-DRUG ABUSE ACT OF 1986" PROVIDED A VARIETY OF RESOURCES, EQUIPMENT, AND FACILITIES TO ENHANCE OUR DRUG-RELATED INTELLIGENCE CAPACITY. FOR EXAMPLE, THE COAST GUARD AND CUSTOMS SERVICE HAVE EACH BEEN PROVIDED WITH TWO E-2CS, RADAR-EQUIPPED AIRCRAFT. CUSTOMS HAS BEEN AUTHORIZED TO ESTABLISH COMMAND, CONTROL, COMMUNICATIONS, AND INTELLIGENCE CENTERS (C3-IS) TO PROVIDE TACTICAL COORDINATION FOR INTERDICTION EFFORTS. ADDITIONAL AEROSTATS ARE AUTHORIZED FOR THE SOUTHWEST BORDER AND THE BAHAMAS; THIS WILL INCREASE RADAR DETECTION CAPABILITIES.

TO BE EFFECTIVE, THE INFORMATION GATHERED MUST BE USED; IT MUST BE SHARED. COORDINATION IS CRITICAL. THIS IS NOT THE PLACE FOR TURF BATTLES, MISPLACED AGENCY LOYALTY, OR FALSE BRAVADO. I HOPE WE WILL BE ABLE TO LEARN TODAY NOT ONLY ABOUT THE PROGRESS THAT HAS BEEN MADE TO DEPLOY THE NEW EQUIPMENT, BUT OF MORE EFFECTIVE COORDINATION AND INCREASED COOPERATION AMONG THE AGENCIES INVOLVED IN INTERDICTION AND ENFORCEMENT.

EFFECTIVE LAWS AND ADEQUATE RESOURCES ARE NECESSARY TO

ENSURE THAT OUR BORDERS ARE SECURELY FORTIFIED. THE ANTI-DRUG ABUSE ACT ADDRESSED BOTH OF THESE AREAS. THE LEGISLATION PROVIDED THE PERSONNEL AND EQUIPMENT RESOURCES NECESSARY TO MEET CURRENT NEEDS. CHANGES IN OUR FEDERAL CRIMINAL STATUTES WERE ENACTED TO ENSURE MORE EFFECTIVE DRUG LAW ENFORCEMENT.

WE IN THE CONGRESS DEMONSTRATED OUR COMMITMENT TO FEDERAL DRUG ENFORCEMENT AND INTERDICTION WHEN WE PASSED THE "ANTI-DRUG ABUSE ACT OF 1986." ALTHOUGH THE PRESIDENT'S PROPOSED 1988 BUDGET MAKES FEWER CUTS IN THESE AREAS THAN IT DOES IN DRUG ABUSE EDUCATION, PREVENTION, TREATMENT, AND STATE AND LOCAL DRUG ENFORCEMENT ASSISTANCE PROGRAMS, REDUCTIONS IN SIGNIFICANT PROVISIONS ARE MADE.

FOR EXAMPLE, THEIR 1988 PROPOSAL REDUCES THE CUSTOMS SERVICE BY APPROXIMATELY 1998 POSITIONS. MOREOVER, THE 1988 REQUEST OF $86 MILLION FOR THE CUSTOMS AIR PROGRAM, A CRITICAL LINK IN OUR INTERDICTION EFFORT, IS HALF OF THE 1987 FUNDING LEVEL OF $171 MILLION. THESE PROPOSALS JEOPARDIZE THE EXPANSION OF CUSTOMS DRUG INSPECTIONS AT OUR BORDERS, THE DEVELOPMENT OF FACILITIES TO COORDINATE INTERDICTION ACTIVITIES EFFECTIVELY, THE DEPLOYMENT OF UPGRADED RADAR ON DRUG SURVEILLANCE AIRCRAFT, AND THE OPERATION OF AIRCRAFT TO TRACK MARINE DRUG SMUGGLERS.

THE 1988 REQUEST FOR FEDERAL DRUG ENFORCEMENT SPENDING IS

ALSO LOWER THAN THE 1987 LEVEL BECAUSE APPROXIMATELY $350 MILLION APPROPRIATED FOR CAPITAL PURCHASES IN 1987 IS NOT REPEATED IN THE 1988 BUDGET.

THE 1988 BUDGET DOES INCLUDE ABOUT $70 MILLION IN INCREASES FOR FEDERAL DRUG LAW ENFORCEMENT. THIS INCLUDES $32 MILLION AND 108 POSITIONS FOR THE DRUG ENFORCEMENT ADMINISTRATION, $2.4 MILLION AND 85 POSITIONS FOR THE FEDERAL BUREAU OF INVESTIGATION, $21.4 MILLION AND 417 POSITIONS FOR THE UNITED STATES ATTORNEYS, AND $8.5 MILLION AND 112 POSITIONS FOR THE U.S. MARSHALS SERVICE. I SUPPORT THESE INCREASES IN THE JUSTICE DEPARTMENT'S DRUG ENFORCEMENT PROGRAMS, BUT THESE INCREASES IN NO WAY ALLEVIATE THE RESPONSIBILITY TO FUND THOSE ACTIVITIES CONGRESS AUTHORIZED IN THE ANTI-DRUG ABUSE ACT.

TODAY'S HEARING WILL, I HOPE, ACHIEVE TWO OBJECTIVES:

--FIRST, IT WILL PROVIDE THE COMMITTEE WITH AN UPDATE AND ASSESSMENT OF HOW EACH OF THE AGENCIES INVOLVED IN FEDERAL DRUG ENFORCEMENT AGENCIES HAS USED THE RESOURCES AUTHORIZED UNDER THE ANTI-DRUG ABUSE ACT OF 1986.

--SECOND, IT WILL INDICATE TO THE COMMITTEE WHAT EACH OF THE AGENCIES PRESENT NEEDS TO PERFORM ITS DRUG-RELATED MISSION EFFECTIVELY.

WE IN THE CONGRESS WANT TO ENSURE THAT YOU, IN THE AGENCIES, HAVE THE REQUISITE RESOURCES TO PERFORM YOUR MISSIONS. THE BOTTOM-LINE IS: AS LONG AS WE CANNOT STOP THE FLOW OF DRUGS AT THEIR SOURCE, INTERDICTION AND DRUG LAW ENFORCEMENT ARE OUR SHORT-RANGE LINE OF DEFENSE.

OPENING STATEMENT BY
THE HONORABLE MICHAEL G. OXLEY
SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL
MARCH 18, 1987

Mr. Chairman, I want to thank all of our witnesses on today's witness panels for taking time out of their busy schedules to appear before this committee as we continue to look at the implementation of the Anti-Drug Abuse Act of 1986.

Drug enforcement and interdiction activities are an integral part of our overall efforts to stamp out drug abuse in this country. In fact, enforcement and interdiction are at the very heart of these efforts. We have come a long way in this important area, and I looking forward to hearing more from our witnesses appearing today about plans and activities with respect to enforcement and interdiction.

I am deeply concerned about our drug enforcement officials, Mr. Chairman, particularly in light of recent reports which indicate that death threats against these officials continue at an alarming rate. According to a report in yesterday's Washington Post which cites U.S. intelligence data, "Columbian drug traffickers have made plans to dispatch two teams of assassins to murder U.S. officials".

These assassination plans are apparently in response to the arrest and trial of Carlos Lehder Rivas, the billionaire Columbian drug thug involved in the Medellin cocaine cartel, who has continually threatened our drug enforcement officials and has even boldly offered rewards for their murders.

I understand that U.S. agents are on alert and that our witnesses here today cannot comment on present security arrangements, but I want it made clear, Mr. Chairman, that this member, and all the members of this committee I imagine, strongly support the efforts to nail Lehder to the wall on all applicable counts.

I commend and express my deep appreciation to all those, like U.S. Attorney Leon Kellner, who in the face of these death threats, continue to press on in prosecuting this important case. I salute their courage and dedication.

Thank you, Mr. Chairman, and welcome to all of you appearing before us today.

U.S. CUSTOMS SERVICE

STATEMENT OF WILLIAM VON RAAB

COMMISSIONER OF CUSTOMS

FOR DELIVERY BEFORE

THE HOUSE SELECT COMMITTEE

ON NARCOTICS ABUSE

AND CONTROL

HOUSE OF REPRESENTATIVES

MARCH 18, 1987

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I AM PLEASED TO APPEAR BEFORE YOU TODAY TO DISCUSS ACTIONS WHICH CUSTOMS HAS TAKEN PURSUANT TO THE OMNIBUS DRUG ENFORCEMENT, EDUCATION, AND CONTROL ACT OF 1986, IN ORDER TO STEM THE FLOW OF ILLEGAL NARCOTICS INTO THIS COUNTRY.

SINCE 1981, WHEN I BECAME COMMISSIONER OF CUSTOMS, I HAVE DEVOTED MUCH OF MY PERSONAL ENERGY AND THE AGENCY'S RESOURCES TO DRUG INTERDICTION. I BELIEVE DRUGS ARE THE MOST SERIOUS ENEMY FACING OUR NATION. DRUG ABUSE AFFECTS THE VERY FOUNDATION OF OUR DEMOCRACY, THE HEALTH AND WELL-BEING OF OUR CHILDREN, AND THE VALUES AND MORALS OF THIS AND FUTURE GENERATIONS. I AM PLEASED TO HAVE A MAJOR ROLE IN COMBATTING THIS PROBLEM AND AM DEDICATED TO THE EFFORT.

AS YOU KNOW MR. CHAIRMAN, THIS ACT, P.L. 99-570, (OCTOBER 27, 1986), IS ONLY THE MOST RECENT CONGRESSIONAL ACTION CONFIRMING THE STATUS OF THE U.S. CUSTOMS SERVICE AS THE LEAD FEDERAL AGENCY FOR DRUG INTERDICTION AT THE BORDERS. THIS ROLE CAN BE TRACED BACK TO THE EARLIEST LEGISLATIVE DECISIONS OF THIS NATIONS FIRST CONGRESS. THE CUSTOMS SERVICE WAS CREATED BY THE SECOND ACT OF CONGRESS 1789 AND GIVEN RESPONSIBILITY FOR THE INTERDICTION OF ALL MERCHANDISE BEING IMPORTED OR EXPORTED CONTRARY TO LAW. THERE ARE NUMEROUS CUSTOMS STATUTES, MANY OF WHICH CAN BE TRACED TO THE SECOND ACT OF CONGRESS WHICH MANDATED OUR LEAD INTERDICTION ROLE. FOR EXAMPLE:

-- 19 U.S.C. 482: BORDER SEARCH AND SEIZURE AUTHORITY FOR VESSELS, VEHICLES, PERSONS AND MERCHANDISE .

-- 19 U.S.C. 1467: REINSPECTION OF VESSELS, PERSONS, AND MERCHANDISE AT SUCCESSIVE PORTS.

-- 19 U.S.C. 1499: EXAMINATION AND CLEARANCE AUTHORITY FOR ALL IMPORTED MERCHANDISE.

-- 19 U.S.C. 1581: AUTHORITY FOR BOARDING VESSELS AND VEHICLES, BORDER SEARCHING CONVEYANCES, MERCHANDISE, AND PERSONS, ETC.

-- 19 U.S.C. 1582: DETENTION FOR CUSTOMS PROCESSING OF PERSONS ENTERING THE U.S.

-- THE ANTI-SMUGGLING ACT OF 1935: VARIOUS BOARD AUTHORITIES (IN TITLE 19) CONCERNING CUSTOMS AUTHORITY TO BOARD AND EXAMINE VESSELS.

-- REORGANIZATION PLAN NO.2 OF 1973, 87 STAT. 1091, 1973 U.S.C., CONGRESSIONAL AND ADMINISTRATIVE NEWS 3554. ALTHOUGH THIS REORGANIZATION PLAN CONSOLIDATED PRIMARY FEDERAL DRUG ENFORCEMENT RESPONSIBILITY IN THE JUSTICE DEPARTMENT, IT SPECIFICALLY LEFT THE BORDER DRUG INTERDICTION FUNCTION WITH CUSTOMS. (I.E. "THE SECRETARY (I.E. CUSTOMS) SHALL RETAIN AND CONTINUE TO PERFORM, (INTELLIGENCE, INVESTIGATIVE, AND LAW ENFORCEMENT) FUNCTIONS, TO

THE EXTENT THAT THEY RELATE TO SEARCHES AND SEIZURES OF ILLICIT NARCOTICS, DANGEROUS DRUGS, OR MARIJUANA OR TO THE APPREHENSION OR DETENTION OF PERSONS IN CONNECTION THEREWITH, AT REGULAR INSPECTION LOCATIONS AT PORTS OF ENTRY OR ANYWHERE ALONG THE LAND OR WATER BORDER OF THE UNITED STATES." (SEE SECTION 1 OF REORGANIZATION PLAN NO.2 OF 1973)

-- THE CUSTOMS ENFORCEMENT ACT OF 1986 PASSED AS PART OF P.L. 99-570 (OCTOBER 27, 1986). THIS COMPREHENSIVE REVISION OF CUSTOMS ENFORCEMENT AUTHORITIES CONTAINS NEW STATUTES ON OUR INTERDICTION ROLE. FOR EXAMPLE, 19 U.S.C. 1590 WAS ENACTED AS A MAJOR NEW AVIATION SMUGGLING PROHIBITION.

-- 49 U.S.C. 1509 AND 19 U.S.C. 1644: MANDATES CUSTOMS TO ASSURE THAT CIVIL AIRCRAFT ARRIVING INTO THE U.S. COMPLY WITH ALL CUSTOMS REQUIREMENTS AND LAWS CONCERNING IMPORTS.

THE CUSTOMS SERVICE HAS EXTENSIVE AUTHORITY AND A HISTORICAL TRADITION IN COMBATTING THIS SERIOUS PROBLEM. THIS ACT ADDS TO IT.

USING THIS AUTHORITY ENABLED CUSTOMS AGENTS, INSPECTORS, MARINE AND AIR UNITS TO SEIZE 52,521 POUNDS OF COCAINE, THIS NATIONS NUMBER ONE NARCOTICS THREAT, 692 POUNDS OF HEROIN, 2,211,068 POUNDS OF MARIJUANA AND 17,555 POUNDS OF HASHISH IN FY 1986. EARLY THIS YEAR CUSTOMS INSPECTORS SEIZED TWO CONTAINERS WITH 6,900 POUNDS OF COCAINE, THE LARGEST SINGLE SEIZURE OF COCAINE IN U.S. HISTORY.

DESPITE THESE SUCCESSES, THIS COUNTRY CONTINUES TO FACE THE THREAT OF ILLEGAL IMPORTATION OF BUMPER CROPS OF COCAINE, MARIJUANA AND HEROIN. CUSTOMS IS NOW BUSY HIRING, PROCURING AND DEPLOYING THE PEOPLE AND ASSETS PROVIDED BY THE 1986 OMNIBUS DRUG LEGISLATION.

OMNIBUS DRUG ENFORCEMENT, EDUCATION, AND CONTROL ACT ALLOCATIONS

THE OMNIBUS DRUG BILL OF 1986 PROVIDED CUSTOMS WITH $137 MILLION OVER AND ABOVE THE 863.8 MILLION THAT CONGRESS HAD PROVIDED CUSTOMS THROUGH THE NORMAL APPROPRIATIONS PROCESS BRINGING CUSTOMS TOTAL FY 87 BUDGET TO SLIGHTLY OVER $1 BILLION. OF THIS $137 MILLION, 44 MILLION WAS AUTHORIZED FOR THE CUSTOMS SALARIES AND EXPENSE ACCOUNT, AND $93.1 MILLION WAS AUTHORIZED FOR THE AIR PROGRAM OPERATIONS AND MAINTENANCE ACCOUNT.

SINCE THE DRUG BILL WAS SIGNED BY THE PRESIDENT ON OCTOBER 27, 1986, CUSTOMS HAS GONE FORWARD WITH THE HIRING OF 996 NEW PERSONNEL. THE REMAINDER OF THE $44 MILLION IS BEING USED TO PURCHASE EQUIPMENT FOR THE MARINE PROGRAM, INCLUDING MARINE RADAR EQUIPMENT FOR THE GULF COAST, AND VOICE PRIVACY RADIOS. A PORTION OF THESE FUNDS WILL ALSO BE USED TO ENHANCE CUSTOMS SECONDARY INSPECTION CAPABILITIES AT PORTS ALONG THE SOUTHWEST BORDER.

THE 93.1 MILLION IN ADDITIONAL OPERATIONS AND MAINTENANCE FUNDS ARE BEING USED IN A NUMBER OF DIFFERENT AREAS OF CUSTOMS AIR PROGRAM WHICH WILL BE DISCUSSED IN DETAIL LATER IN THIS STATEMENT. THE PROGRAMS RECEIVING SUPPORT FROM THESE FUNDS WILL BE THE FOLLOWING:

- REFITTING OF CUSTOMS P-3A WITH 360 DEGREE LOOK DOWN RADAR

- DESIGN AND CONSTRUCTION OF THE COMMAND, CONTROL, COMMUNICATIONS, AND INTELLIGENCE CENTER

- ENHANCEMENT OF THE BAHAMAS TASK FORCE

- DEPLOYMENT AND OPERATION OF FOUR ADDITIONAL BLACKHAWK HELICOPTERS

- MODIFICATION OF C-12 AIRCRAFT FOR MARINE TRACKING PURPOSES

- PURCHASE AND EQUIPPING OF CITATION II INTERCEPTOR AIRCRAFT

- DEPLOYMENT AND OPERATION OF E2-C DETECTION AIRCRAFT

AS YOU KNOW MR. CHAIRMAN, I AM CONCERNED ABOUT THE SERIOUS NARCOTICS THREAT ON THE SOUTHWEST BORDER. ACCORDINGLY THE BULK OF PERSONNEL AND ASSETS PROVIDED BY THE OMNIBUS DRUG BILL HAVE BEEN ALLOCATED TO THE SOUTHWEST SECTOR OF THE COUNTRY. THAT BRINGS ME TO A DISCUSSION OF OPERATION ALLIANCE

OPERATION ALLIANCE

OPERATION ALLIANCE STARTED IN JUNE 1986. IT FOCUSES ON THE NARCOTICS SMUGGLING ALONG THE SOUTHWEST BORDER. COOPERATION BETWEEN CUSTOMS, STATE, LOCAL AND SISTER FEDERAL AGENCIES IS THE KEY TO THIS EFFORT.

A JOINT COMMAND GROUP HAS BEEN ESTABLISHED IN THE SOUTHWEST REGION CONSISTING OF SENIOR OFFICIALS FROM THE COAST GUARD, CUSTOMS SERVICE, DRUG ENFORCEMENT ADMINISTRATION, FBI, INS/BORDER PATROL AND REPRESENTATIVES FROM ARIZONA, CALIFORNIA, NEW MEXICO AND TEXAS LAW ENFORCEMENT AGENCIES. THE OPERATIONAL LEADERSHIP

OF OPERATION ALLIANCE HAS BEEN ESTABLISHED ON A ROTATIONAL BASIS. CUSTOMS SOUTHWEST REGIONAL COMMISSIONER RAN OPERATION ALLIANCE DURING ITS FIRST SIX MONTHS. CONTROL HAS SINCE PASSED TO A SENIOR OFFICIAL IN THE IMMIGRATION AND NATURALIZATION SERVICE'S (INS) BORDER PATROL.

CUSTOMS BEGAN ALLOCATING ADDITIONAL RESOURCES TO THE SOUTHWEST BORDER IN MAY OF 1986, WELL BEFORE ANNOUNCEMENT OF OPERATION ALLIANCE. DURING FY 1986 CUSTOMS ALLOCATED AN ADDITIONAL 384 POSITIONS TO THE SOUTHWEST BORDER. SO FAR IN 1987 CUSTOMS HAS ALLOCATED AN ADDITIONAL 563 POSITIONS TO THE SOUTHWEST BORDER FOR A TOTAL OF 947 SINCE MAY OF LAST YEAR. THESE ALLOCATIONS WHICH INCLUDED AN INCREASE OF 264 INSPECTORS ALONG THE BORDER, ARE HAVING A TREMENDOUS IMPACT ON SMUGGLERS. FOR EXAMPLE, AT SOUTHWEST BORDER PORTS OF ENTRY THROUGH THE END OF FY 86, COCAINE SEIZURES WERE UP OVER 250 PERCENT FROM 124.4 POUNDS TO 443.5 POUNDS.

AS PART OF "BLUE FIRE", CUSTOMS CONTRIBUTION TO OPERATION ALLIANCE, CUSTOMS HAS LOANED 375 RADIOS TO LOCAL AND STATE LAW ENFORCEMENT AGENCIES SO THEIR UNITS CAN COMMUNICATE WITH CUSTOMS AS LAW ENFORCEMENT ACTIONS TAKE PLACE. STATE AND LOCAL LAW ENFORCEMENT AGENCIES KNOW THEIR LOCAL COMMUNITIES AND HAVE SOURCES AND ACCESS TO INFORMATION THAT WOULD BE IMPOSSIBLE TO DUPLICATE.

I HAVE PERSONALLY MET WITH MORE THAN A HUNDRED STATE AND LOCAL LAW ENFORCEMENT OFFICIALS FROM FLORIDA TO CALIFORNIA TO ENLIST THEIR SUPPORT. WE ARE ACTIVELY GAINING ALLIES THROUGHOUT THE ENTIRE NATION AND WE ARE PROVIDING THE STATE AND LOCAL ORGANIZATION WITH VOICE PRIVACY RADIOS FOR THEIR CARS, AND TRANSPONDERS FOR THEIR BOATS. LOCAL AND STATE AUTHORITIES ARE ALSO NOW GETTING MORE OPPORTUNITIES WHILE ON JOINT OPERATIONS WITH CUSTOMS TO OBTAIN ASSETS SEIZED FROM NARCOTICS OFFENDERS THROUGH THEIR OWN JURISDICTIONS FORFEITURE LAWS.

THE NATIONWIDE INSTITUTIONALIZATION OF CUSTOMS COOPERATIVE EFFORTS WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES, WHICH STARTED WITH THE HIGHLY SUCCESSFUL BLUE LIGHTNING EXCERCISE IN SOUTH FLORIDA IN 1985, IS INDISPENSABLE TO A SUCCESSFUL LONG-TERM INTERDICTION STRATEGY.

AIR INTERDICTION

AS STATED AND DOCUMENTED EARLIER IN THIS STATEMENT, CUSTOMS AUTHORITY AT OR BETWEEN PORTS-OF-ENTRY IS PREEMINENT. THIS AUTHORITY HAS OVER THE YEARS ENABLED CUSTOMS TO EXERCISE EXTRAORDINARY SEARCH AND SEIZURE POWERS OVER OPERATORS OF GENERAL AVIATION AIRCRAFT AS THEY ENTER THE U.S. FROM ABROAD.

THE RESOURCES THAT CUSTOMS HAS HAD AVAILABLE TO ACCOMPLISH THIS MISSION HAVE GROWN CONSIDERABLY SINCE EARLY 1984. OPERATIONS AND MAINTENANCE FUNDING HAS INCREASED FROM $31 MILLION IN FY 1984 TO $170.9 MILLION IN FY 1987.

TO COMBAT THE INCREASED AIR SMUGGLING THREAT AND BETTER UTILIZE ITS NEW ASSETS, THE CUSTOMS SERVICE HAS STREAMLINED ITS ORGANIZATIONAL STRUCTURE, ADDED PERSONNEL AND EXTENDED HOURS OF OPERATION.

CUSTOMS HAS ESTABLISHED AGENT INVESTIGATIVE GROUPS AT EACH AVIATION BRANCH TO CONDUCT INVESTIGATIONS RELATED TO SMUGGLING CONTRABAND BY AIRCRAFT. CUSTOMS ENFORCEMENT OFFICES HAVE RECENTLY BEEN OPENED IN SAN ANGELO, TEXAS AND OKLAHOMA CITY, OKLAHOMA. THE OFFICES ARE DEDICATED TO INVESTIGATING ALL NARCOTICS SEIZURES BY CUSTOMS AVIATION BRANCHES AND DEVELOPING AIR INVESTIGATIONS BY USING CONFIDENTIAL SOURCES OF INFORMATION FROM WITHIN THE AVIATION COMMUNITY.

THE OMNIBUS DRUG BILL PROVIDED THE CUSTOMS SERVICE WITH TWO E-2C AIRCRAFT, FOUR ADDITIONAL BLACK HAWK HELICOPTERS, TWO ADDITIONAL HIGH SPEED INTERCEPT AIRCRAFT, FIVE AEROSTATS AND FUNDS TO MODIFY THE C-12 AIRCRAFT WITH SOPHISTICATED SENSOR EQUIPMENT AND TO ENHANCE OUR P-3 AIRCRAFT WITH 360 DEGREE LOOK DOWN RADAR.

THE TWO E-2C AIRCRAFT WERE OBTAINED FROM THE U.S. NAVY ON FEBRUARY 7, 1987. THESE AIRCRAFT ARE CURRENTLY OPERATING OUT OF THE NAVAL AIR STATION IN SAN DIEGO AND ARE BEING UTILIZED TO TRAIN CUSTOMS PILOTS AND SENSOR OPERATORS. WE WILL BEGIN LIMITED OPERATIONAL FLIGHTS IN CONJUNCTION WITH THE SOUTHWEST'S U.S. AIR FORCE STRATEGIC OPERATIONS COMMAND CENTER (SOCC) AT RIVERSIDE, CALIFORNIA, IN EARLY APRIL AND EXPECT TO HAVE THE AIRCRAFT OPERATIONALLY DEPLOYED IN CORPURS CHRISTI, TEXAS, IN EARLY JULY 1987. THE E-2C'S WILL GIVE CUSTOMS THE ABILITY TO FLY SUSTAINED MISSIONS ON THE SOUTHERN BORDER AND OVER THE GULF OF MEXICO. THESE AIRCRAFT, IN ADDITION TO THE PLACEMENT OF AEROSTATS WILL GIVE CUSTOMS A GREATLY ENHANCED ABILITY TO STOP THE ILLICIT MOVEMENT OF DRUGS BY AIR.

FOUR BLACK HAWK HELICOPTERS WERE AUTHORIZED IN THE DRUG BILL. TWO OF THESE HELICOPTERS WERE DELIVERED TO CUSTOMS ON JANUARY 21, 1987. THE THIRD HELICOPTER WAS DELIVERED ON MARCH 11, 1987, AND THE FINAL BLACK HAWK IS TENTATIVELY SCHEDULED FOR.

MID-APRIL 1987. THE FIRST BLACK HAWK RECEIVED WAS ASSIGNED TO THE NEW ORLEANS AVIATION BRANCH, THE SECOND WAS ASSIGNED TO THE HOUSTON AVIATION BRANCH AND THE REMAINING TWO WILL BE ASSIGNED TO THE SAN ANGELO, TEXAS AVIATION BRANCH.

WE ARE MAKING PREPARATIONS TO MODIFY THE TWO ADDITIONAL CITATION II AIRCRAFT TO PERFORM AS HIGH SPEED INTERCEPTORS. IN FEBRUARY 1987, WE PURCHASED A CITATION II FROM THE U.S. POSTAL SERVICE AND WE HAVE RECENTLY INITIATED ACTION TO PURCHASE A SECOND AIRCRAFT. THESE TWO AIRCRAFT WILL BE MODIFIED WITH SENSOR EQUIPMENT SIMILAR TO THE SIX AIRCRAFT WE PRESENTLY HAVE IN OPERATION. WE EXPECT THESE TWO INTERCEPTORS TO BE OPERATIONAL BY OCTOBER 1, 1987. THEY WILL BE ASSIGNED TO THE SAN DIEGO AND ALBUQUERQUE AVIATION BRANCHES.

AS STATED EARLIER, THE DRUG BILL FUNDED FIVE ADDITIONAL AEROSTATS. THE FT. HUACHUCA AEROSTAT, PARTIALLY FUNDED IN PREVIOUS CUSTOMS BUDGETS, WILL BE AVAILABLE FOR SITE PREPARATION AND OPERATION EVALUATION BY OCTOBER 1987, AND IS EXPECTED TO BE TOTALLY OPERATIONAL BY DECEMBER 1987. THE OTHER FOLLOWING FOUR SITES HAVE BEEN SELECTED AFTER CONSULTATION WITH THE AIR FORCE FOR OTHER BALLOONS: MOORE FIELD, McALLEN, TEXAS: ELEPHANT MOUNTAIN IN TEXAS; DEMING, NEW MEXICO; AND CHILDS MOUNTAIN IN ARIZONA.

THE SPECIFICATIONS FOR SENSOR EQUIPMENT TO BE INSTALLED ON THE C-12 AIRCRAFT ARE BEING DEVELOPED. WE EXPECT TO EQUIP THESE AIRCRAFT WITH SENSORS SIMILAR TO THOSE INSTALLED IN THE CUSTOMS HIGH ENDURANCE TRACKER (CHET). AT THE PRESENT, WE ARE HAVING THE C-12'S EQUIPPED WITH SOPHISTICATED VOICE COMMUNICATIONS EQUIPMENT.

CUSTOMS IS NOW COORDINATING WITH THE DEPARTMENT OF DEFENSE TO ACQUIRE THE AN/APS-138 RADAR SYSTEM FOR THE P-3 AIRCRAFT. ONCE WE RECEIVE ASSURANCE FROM THE DEFENSE DEPARTMENT THAT THE RADAR IS AVAILABLE TO CUSTOMS, WE SHOULD BE UNDER CONTRACT WITHIN 60 DAYS. WE HAVE BEEN ASSURED THAT 17 MONTHS AFTER THE CONTRACT AWARD WE WILL HAVE THE PROTOTYPE AIRCRAFT. IN ADDITION TO THE MODIFICATION OF THE P-3 TO INSTALL THE APS-138, WE ARE PROGRESSING WITH A SECOND MODIFICATION PROGRAM TO INSTALL THE BLUESTAR/RADPAK ON TWO P-3'S. ONCE INSTALLED THIS SYSTEM WILL PROVIDE AIRBORNE MONITORING AND DIRECTION FINDING CAPABILITY. WE EXPECT TO BEGIN THE FIRST AIRCRAFT MODIFICATION BY JUNE 1987 AND HAVE IT COMPLETED SIX MONTHS LATER.

MARINE INTERDICTION

CUSTOMS IS CONTINUING TO GIVE THE MARINE INTERDICTION PROGRAM A HIGH PRIORITY. CUSTOMS MARINE INVENTORY NOW STANDS AT 247 VESSELS. SINCE JANUARY 1986, WE HAVE ACQUIRED 30 INTERCEPTOR VESSELS, 10 SUPPORT VESSELS AND 3 RADAR PLATFORMS. WE ARE NOW IN THE PROCESS OF ACQUIRING 20 ADDITIONAL VESSELS WITH FUNDS PROVIDED IN THE DRUG BILL.

BAHAMAS INITIATIVE TASK FORCE

IN RECOGNITION OF THE INCREASED UTILIZATION OF THE BAHAMAS AS A TRANSSHIPMENT POINT FOR NARCOTICS DESTINED FOR NORTH AMERICA, THE U.S. HAS BEGUN AN INITIATIVE WITH THE BAHAMAS THAT WILL ENABLE THE U.S. TO CONDUCT JOINT MARITIME LAW ENFORCEMENT ACTIVITIES IN THE TERRITORIAL WATERS OF THE BAHAMAS AND ON THE HIGH SEAS. THIS INITIATIVE CONSISTS OF AIRCRAFT (HELICOPTERS), RADAR PLATFORMS AND INTERCEPTOR VESSELS STATIONED IN THE BAHAMAS AND MANNED BY U.S. AND BAHAMIAN OFFICERS. THESE RESOURCES PROVIDE THE ABILITY TO DETECT AND IMMDIATELY RESPOND TO SUSPECT TARGETS ACQUIRED FROM A VARIETY OF SOURCES, INCLUDING AIRCRAFT OBSERVATIONS AND RADAR. THIS INITIATIVE WILL ACCOMPLISH TWO PRIMARY OBJECTIVES: THE SEIZURE OF SIGNIFICANT QUANTITIES OF NARCOTICS AND THE DISRUPTION OF BAHAMAS BASED NARCOTICS SMUGGLIN GROUPS.

THE OMNIBUS DRUG BILL PROVIDED $10 MILLION FOR THE BAHAMAS TASK FORCE. THE LAW ALLOCATED $9 MILLION FOR THE PROCUREMENT AND OPERATION OF THREE DRUG INTERDICTION PURSUIT HELICOPTERS AND $1 MILLION TO ENHANCE COMMUNICATIONS CAPABILITIES WITHIN THE BAHAMAS ISLANDS.

BLUE LIGHTNING OPERATIONAL COMMAND CENTER

AS YOU KNOW MR. CHAIRMAN, THE BLUE LIGHTNING OPERATIONS COMMAND CENTER (BLOCC) WAS ESTABLISHED IN MIAMI, FLORIDA, ON FEBRUARY 11, 1986. CUSTOMS ASSETS CURRENTLY BEING COORDINATED BY THE BLOCC INCLUDE 85 VESSELS, 340 CUSTOMS OFFICERS, 10 SHORE BASED MARINE RADAR SITES, AND THREE AEROSTAT BALLOONS. OVER 25 LOCAL LAW ENFORCEMENT AGENCIES HAVE ALREADY JOINED, CONTRIBUTING RESOURCES OF 260 OFFICERS AND ABOUT 90 VESSELS EACH EQUIPPED WITH A CUSTOMS TRANSPONDER AND A VOICE PRIVACY RADIO. THE NATIONAL PARK SERVICE, THE U.S. BORDER PATROL AND THE COAST GUARD HAVE ALSO JOINED. EFFORTS ARE NOW UNDERWAY TO INCLUDE WESTERN AND NORTHERN FLORIDA WHICH WILL MORE THAN DOUBLE THE ASSETS.

SIMILAR MARINE OPERATIONS COMMAND CENTERS ARE NOW BEING ESTABLISHED IN HOUSTON, TEXAS AND GULFPORT, MISSISSIPPI. AIR INTERDICTION STRATEGIES ARE SIMILAR TO THE MARINE STRATGY. THE DETECTING, TRACKING, INTERCEPTION AND APPREHENSION OF SUSPECT

AIRCRAFT IS COMPLEX, REQUIRING DIFFERENT TYPES OF AIRCRAFT ON A SINGLE PURSUIT. COMMUNICATION NEEDS ARE EXTENSIVE NOT ONLY WITH THE AIR INTERDICTION COMPONENTS BUT ALSO WITH GROUP SUPPORT IN THE EVENT THE AIRCRAFT IS FORCED TO LAND. THE AIR INTERDICTION ASSETS ARE USED NOT ONLY IN APPREHENDING AIRBORNE TARGETS BUT ALSO IN IDENTIFYING MARINE AND AT TIMES LAND TARGETS AS WELL. A SOPHISTICATED COMMUNICATIONS CAPABILITY IS A CRITICAL PART OF THE AIR INTERDICTION STRATEGY. FOR THIS REASON, CUSTOMS REALIZED THE NEED FOR COMMAND, CONTROL, COMMUNICATIONS, AND INTELLIGENCE CENTERS IN THE EARLY 1970'S.

COMMAND, CONTROL, COMMUNICATIONS AND INTELLIGENCE CENTERS

THE C3I IS A COMMAND CENTER WHERE REAL-TIME INTERDICTION DECISIONS ARE MADE BASED ON REAL-TIME INFORMATION FROM NUMEROUS SOURCES. SOURCES OF INFORMATION INCLUDE: FAA, CUSTOMS AND DOD RADARS; NORAD; EPIC; FULLY DEDICATED DRUG INTERDICTION RADAR IN THE AIR, SEA, AND ON LAND, TECS, THE INTELLIGENCE COMMUNITY; FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES; TRANSPONDERS INSTALLED ON AIRCRAFT AND VESSELS; DRUG INTERDICTION INVESTIGATIONS, PRIVATE CITIZEN HOTLINES, ETC. THE C3I WILL BE RESPONSIBLE FOR ALL CUSTOMS AIR INTERDICTION ASSETS AS WELL AS MARINE INTERDICTION ASSETS. THE C3I INCLUDE OTHER FEDERAL AGENCIES INVOLVED IN DRUG INTERDICTION AND STATE AND LOCAL LAW ENFORCEMENT AGENCIES WHOSE RESOURCES WILL BE COORDINATED BY THE C3I WHEN THEIR MISSION CONTRIBUTES TO THE OVERALL DRUG INTERDICTION MISSION.

CONGRESS FIRST DIRECTED THAT THE CUSTOMS SERVICE BEGIN EFFORTS ON DESIGNING AND DEVELOPING THE C3I CONCEPT IN 1984. THE CONCEPT SHOWED GREAT PROMISE AND CONGRESS APPROPRIATED $2 MILLION IN FISCAL YEAR 1985, $4 MILLION IN FISCAL YEAR 1986 AND $25 MILLION IN THE DRUG BILL OF 1986. THE MAJORITY OF THE DESIGN AND DEVELOPMENT WORK IS NEARING COMPLETION AND WHAT REMAINS IS THE ACTUAL CONSTRUCTION AND EQUIPPING OF FACILITIES.

MY STATEMENT SHOULD MAKE IT CLEAR, MR. CHAIRMAN THAT THE OMNIBUS DRUG ENFORCEMENT, EDUCATION, AND CONTROL ACT OF 1986 HAS HAD A SIGNIFICANT IMPACT ON CUSTOMS ABILITY TO CONTINUE IN THE WAR ON DRUGS. I WOULD BE PLEASED TO ANSWER ANY QUESTIONS YOU OR OTHER MEMBERS OF THE PANEL MAY HAVE.

STATEMENT OF MAJOR GENERAL STEPHEN G. OLMSTEAD, USMC

DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR

DRUG POLICY AND ENFORCEMENT/

DIRECTOR, DOD TASK FORCE ON DRUG ENFORCEMENT

DEPARTMENT OF DEFENSE

BEFORE THE HOUSE SELECT COMMITTEE

ON NARCOTICS ABUSE AND CONTROL

MARCH 18, 1987

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Mr. Chairman, it is indeed a pleasure to appear before you today to discuss the role of the Department of Defense in the President's war on drugs. This is a deadly war which affects every segment of our society.

I appear before you today in my dual roles as the Deputy Assistant Secretary of Defense for Drug Policy and Enforcement and the Director of the DoD Task Force on Drug Enforcement. As such, I am responsible for coordinating all Defense Department activities to implement the President's six goals to eradicate drug abuse and for DoD's support of civilian drug law enforcement activities.

The Department of Defense has shown a dramatic 67 percent reduction in reported drug use. In 1980, 27 percent of all uniformed military personnel reported that they had used some illegal drug in the preceding 30 days. By 1982, this figure had dropped to 19 percent. By 1985, less than nine percent of our military men and women reported using illegal drugs in the preceding 30 days.

This is the good news. The bad news is that drugs are still entering our country at an unacceptable rate. Too many of our children are becoming victims of cheap and highly addictive drugs peddled by dealers who are often their peers. Our streets are not safe; our schools are not safe; our homes are not safe from this insidious monster.

I believe that in working together, the Congress and the Executive Branch have begun the arduous task of ridding American society of drugs. We are in the infant stage of this battle and, at this time, there is no clear cut winner. We in Defense recognize the important role we play in the war on drugs.

To be sure, the defense of this country is and should be the military's number one priority. We must continue to maintain the delicate balance between providing drug interdiction assistance and assuring our national military readiness and national security mission imperatives. The proper role for our military forces in the drug war is to provide support so that civilian law enforcement agencies can make the necessary searches, seizures, and arrests. This will not compromise the traditional separation of the military from civilian activities. We in Defense will continue to do everything we can do legally to support the law enforcement experts as long as it does not have a negative impact on our primary mission.

Mr. Chairman, we are proud of the assistance we have provided thus far. This assistance is primarily in three areas: airborne surveillance, equipment loans, and general support.

Airborne surveillance is the largest area of DoD support to drug enforcement agencies. In FY1986, over 3,149 sorties were flown amassing 15,827 flight hours, an increase of 52.5% over FY1985. This support is provided by many different airborne platforms.

o Navy E-2's provided 1,638 hours of aerial surveillance for the Customs Service in the Caribbean, along the Mexican border, the Gulf of Mexico and the offshore waters of California and Florida. Frequently U.S. Marine Corps OV-10's collocated with the E-2Cs have performed complementary operational support missions.

o Navy P-3's flew 6,663 hours of long-range surface surveillance coverage throughout the Caribbean and the Gulf of Mexico. S-3's flying from San Diego, California provided surveillance coverage off the coast of California and Mexico.

o The Marine Corps, in addition to 845 hours of OV-10 surveillance support, provided mobile ground radar surveillance and anti-personnel intrusion detection.

o Air Force increased its AWACS support by 83% over FY1985, flying 2,989 hours of radar surveillance missions many with Customs personnel onboard.

o The Air Force operates two aerostat radars located in Florida at Cudjoe Key and Patrick AFB. These radars provide effective look-down capability against low-flying aircraft. Both aerostats digitally linked to the Customs Service Miami C^3 facility and the Tyndall Sector Operations Control Center (SOCC), were operational over 8,400 hours in 1986.

o While on State Active Duty and/or incidental to scheduled training, the National Guard flew 1,703 hours (primarily aerial observation) in support of civilian drug law enforcement authorities in 21 states. National Guard support resulted in the destruction of 1,467,898 marijuana plants and 598 coca plants.

A second area of DoD support is equipment loans to civilian law enforcement agencies. Through FY1986 we have loaned over $138.65M of equipment to drug law enforcement agencies. The Army aircraft loaned to Federal civilian drug enforcement agencies include Blackhawk, Cobra and OH-6 helicopters and Mohawk fixed-wing aircraft. Additionally, during FY1986 the Army loaned six C-12 King Air aircraft to Customs. In addition, during the current fiscal year, the Army loaned four UH-60s to Customs and the Navy loaned two E-2Cs to Coast Guard and two to Customs, as specified in the Anti-Drug Abuse Act of 1986.

o The Air Force also loaned 95 Communication Encryption Devices to the Customs Service and DEA.

DoD also provided general support in several additional key areas.

o In Hat Trick II, the largest interagency anti-narcotics operation to date, DoD aided operational planning, developed interagency voice privacy radio networks using DoD equipment and facilities, and provided expanded intelligence support. These significant contributions aided in disrupting maritime and airborne drug trafficking.

o The Navy additionally provided 1287 ship days (including PHM hydrofoils) with USCG tactical law enforcement teams (TACLETS) embarked; and the towing of drug vessels by Navy vessels permitted USCG cutters to remain on station.

o The Army, Navy, Air Force, and Marine Corps provide expert personnel assistance to seven National Narcotics Border Interdiction System (NNBIS) Regional or District Centers and the NNBIS headquarters in Washington D.C.

o Since 1983, by a joint declaration of emergency signed by the Secretary of State, Attorney General, and Secretary of Defense, the Air Force has continued its support to Operation Bahamas and Turks (OPBAT) with personnel operating and maintaining two UH-1N helicopters stationed in the Bahamas. The Air Force flew 886 hours in FY1986. These helicopters provided quick insertion of Bahamian law enforcement teams on drug apprehension missions. During Hat Trick II, a large multi-agency drug interdiction operation, the Army augmented the Air Force cadre with two additional Blackhawk helicopters and aircrews with over 428 hours of flying support.

We are also taking steps to assist other countries in dealing with the drug production problem at its source. Such operations are accomplished in full accord with the host countries, Department of State, and Department of Justice.

"Operation BLAST FURNACE" is a prime example. The Government of Bolivia asked the Department of State for support in eliminating cocaine processing/drug storage sites. In view of the serious threat to the U.S. from the scope of drug trafficking in Bolivia, the Attorney General and the Deputy Secretary of Defense (in accordance with 10 U.S.C. 374) jointly declared the existence of an emergency situation. This authority is the same as that pertaining to OPBAT as mentioned earlier. Our specific support included aircrew and logistics support personnel for U.S. Army Blackhawk helicopters which provided quick insertion of Bolivian National Police and DEA agents into cocaine production/cache sites. These Army helicopters flew 1,200 hours in support of 107 operational missions. The U.S. Air Force provided 537 hours of airlift for Army units to and from Bolivia as well as supporting in-country logistics.

We are actively supporting expansion of the program to embark TACLETS aboard U.S. Navy ships. The Navy offers all available ships and the Coast Guard chooses those best suited to optimize use of tactical law enforcement teams. During operation Hat Trick II, TACLETS on Navy ships contributed to the seizure of 151,000 pounds of marijuana on the high seas.

I mentioned earlier, Mr. Chairman, that we are proud of the substantial assistance we've provided. We are acutely aware, however, that there is more to be done. In that regard, the President signed a National Security Decision Directive (NSDD) on Narcotics and National Security. This document assessed the threat from the international narcotics trade and directed specific actions to increase the effectiveness of U.S. counternarcotics efforts. The Department of Defense, along with other departments and agencies having roles in drug enforcement, has been directed by the President to support more actively counternarcotics efforts in many areas. In accordance with the NSDD, expanded DoD support including surveillance, intelligence, communications, planning, training, equipment loans and other support will improve the capabilities of drug law enforcement authorities to interdict and apprehend drug smugglers and provide a proper focus for the armed forces without compromising the traditional separation of the military from civilian law enforcement activities. In that regard, we are working closely with the law enforcement community to increase this type of indirect assistance.

Mr. Chairman, the Defense Department shares the nationwide concern regarding the threat that drugs and drug trafficking pose to our society and is proud to support this nation's campaign against illicit drug abuse.

Drug interdiction alone, however, will not win the war on drugs. Victory requires the eradication of the source; punitive action against traffickers and habitual users; appropriate treatment centers for the addicted; and a "tough love" education program at home, in our schools and in the workplace. The drug lords will be put out of business only if we and our children decide we will not be their customers and that we will not pay for our own destruction.

Thank you for the opportunity to appear before your Committee. Mr. Chairman, I would be pleased to answer any questions at this time.

PREPARED STATEMENT

OF

ADMIRAL PAUL A. YOST
COMMANDANT, UNITED STATES COAST GUARD

BEFORE THE

SELECT COMMITTEE ON
NARCOTICS ABUSE AND CONTROL

MARCH 18, 1987

Mr. Chairman and members of the Committee, it is a pleasure to appear before you today to provide an overview of the Coast Guard's efforts pursuant to the provisions of the "Anti-Drug Abuse Act of 1986"

The ACT authorized $89M for the Coast Guard's acquisition, construction and improvement account to procure law enforcement assets and $39M in operating expenses to increase the Coast Guard active duty strength for fiscal year 1987, and to increase the utilization rate of Coast Guard equipment. In addition, the Anti-Drug Abuse Act of 1986 established a United States-Bahamas Drug Interdiction Task Force, authorized a Bahama Drug Interdiction Docking Facility and separate Boat Lift Facility to be located in the Bahamas, codified Navy support of Coast Guard law enforcement detachments (LEDETs) on Navy vessels in 10 USC 379, modified the Mansfield amendment which authorized maritime law enforcement action in a consenting nation's territorial seas, authorized additional funding for enhanced communications and surveillance capabilities, and improved 21 USC 955a, making it a more effective law enforcement tool.

MANSFIELD AMENDMENT

Prior to the Anti-Drug Abuse Act of 1986, the Mansfield Amendment to the Foreign Assistance Act (22 USC 2291(c)(1)) provided that "no officer or employee of the United States may engage in any direct police arrest action in any foreign country with respect to narcotics control efforts." This provision prevented our direct involvement with foreign law enforcement personnel in drug arrests within foreign waters. This had often prevented us from providing direct assistance to our Caribbean neighbors when they have asked for it and has limited training opportunities when the possibility of actual law enforcement existed. Section 2009 of the Anti-Drug Abuse Act of 1986 provided that maritime law enforcement in a consenting nation's territorial sea was excluded from the Mansfield restriction. Since the exclusion for maritime law enforcement has been implemented, the Coast Guard has responded to requests from the Bahamas, Panama, and the Dominican Republic to engage in cooperative efforts within their territorial sea to suppress illicit drug trafficking.

21 USC 955a

The Anti-Drug Abuse Act of 1986 provided significant improvements to the prohibition against drug trafficking, codified at 21 USC 955a. In 1980, Public Law 96-350 referred to as the "Biaggi-Gilman Bill", closed a loophole in the law by establishing a substantive offense against drug trafficking. While this legislation was extremely effective in increasing prosecution and conviction of traffickers, it contained provisions which raised new difficulties for prosecutors unrelated to the merits of the case. Jurisdictional language concerning stateless and foreign vessels had frequently become the major issue in a case. These problems have been corrected through the amendments of the Anti-Drug Abuse Act of 1986 which allows the Department of State to certify existence of a suspected vessel's claim of foreign registry. If a vessel is not certified as having legitimate foreign registry by the Department of State, it may now be assimilated as stateless and subject to U.S. law for the purpose of charging a violation of 955a(a), possession with intent to distribute.

TACLET/LEDET

Embarking CG personnel aboard Navy vessels for law enforcement purposes was codified by the Anti-Drug Abuse Act of 1986 in Title 10 USC Section 379. I am very pleased with the performance of our law enforcement detachments aboard Navy vessels. Smugglers must now avoid all Navy as well as Coast Guard units since they do not know whether the Coast Guard Tactical Law Enforcement Team/Law Enforcement Detachment is aboard. The Navy is fully committed to the interdiction of drugs at sea. Since October 1986, the Navy has assisted in seizing 7 vessels including the arrest of 54 smugglers and the interdiction of 144,325 pounds of marijuana and 50 pounds of cocaine, with an estimated value of over $151M.

In FY 1986 and FY 1987, 500 additional billets were provided for Law Enforcement Detachments. When not on a Navy deployment, these personnel augment Coast Guard stations conducting law enforcement operations, an important flexibility just authorized for this program. Because personnel filling these billets require a high level of training, the Coast Guard was unable to deploy 500 qualified personnel but began a concerted recruiting and training effort in FY 1986. Based on our experience and the availability of suitable Navy ships, a level of 300 people is adequate. The President's FY 1988 Budget proposes that this 300 level be made permanent (vice Navy reimbursed) in the FY 1988 Coast Guard Budget. As of early 1987, 84% of the 300 billets were filled and I expect all 300 to be filled by July.

CURRENT OPERATIONS

Starting in the fall of 1984 with Operation Wagonwheel, the Coast Guard's portion of Hat Trick I, interdiction activities were taken right to the doorstep of the primary source countries of the Caribbean basin. Operation Hat Trick was the first of several multiagency, international operations of recent years employing maximum resources and flexibility to complement the anti-drug operations being carried out by foreign forces in-country, both ashore and afloat. These operations have been an extremely effective adjunct to our own ongoing interdiction programs. Of the $39M provided in the Drug Supplemental Appropriations Act, $22.1M is being used to offset fuel reductions mandated last year during budget cuts. This has allowed the current level of operations to continue. In addition to the Navy assisted seizures previously mentioned, in FY 1987 the Coast Guard has seized 52 vessels and made 209 arrests; interdicted over 420,000 pounds of marijuana; 6,000 pounds of cocaine, and 13 gallons of hashish oil with an estimated value of over $639M. The Coast Guard has assisted other agencies in 5 additional seizures, including the interdiction of 1,154 pounds of cocaine and 10,350 pounds of marijuana. As an outgrowth of the winter operations and the revision to the Mansfield Amendment, many Caribbean basin nations have come forward and are engaged in varying degrees of cooperation.

ENHANCED COMMUNICATIONS

Operational security surveys have consistently pointed out communications security is necessary to protect planning and execution of Coast Guard drug enforcement operations. While District offices, communications stations and major cutters (WMEC and larger) have traditionally been outfitted with cryptographic systems to protect law enforcement information, smaller Coast

Guard units have lacked effective means to protect this information. The Anti-Drug Abuse Act of 1986 authorized $11M for enhanced secure communications. I expect a $5M contract for secure VHF-FM equipment to be awarded in early April. The remaining $6M is divided into $3.5M for Tactical Command, Control and Communications, $1.5M for aircraft secure communications, $.5M for shipboard satellite communications and $.5M for long-range HF communication upgrades.

AIR INTERDICTION

Federal efforts against drug trafficking cannot succeed without proportional pressure placed on all modes of trafficking. However, it quickly became apparent that while surface maritime trafficking is being greatly reduced during our winter operations, air trafficking continues virtually unabated. Cocaine and other narcotics arriving from over the maritime region by air, being airdropped to waiting boats, or transhipped through the Bahamas by use of fast boats into the United States, has grown into a major problem. This was one of my highest priorities when I became Commandant and I had my staff devise a concept of operations that would efficiently provide Coast Guard assistance to other federal air interdiction efforts. I am coordinating this plan with the National Drug Enforcement Policy Board and several working groups.

The Anti-Drug Abuse Act of 1986 has provided Coast Guard assets for air interdiction in the maritime region. $8.6M of the $39M Operating Expense funding in the Omnibus Drug Supplemental Appropriation of 1986 is being used to operate two E-2C's, with operating cost of the airplanes at $7M and personnel cost at $1.6M. Operation of the two E-2Cs we received from the

Navy commenced last month and our HU-25A aircraft are flying daytime intercepts in support. As a result, the Coast Guard has already assisted in the seizure of 528 pounds of cocaine, the seizure of an aircraft, and the arrest of 6 smugglers in the first 12 operational flights of our E-2Cs. Eight HU-25As will become even more effective interceptors when sensors can be installed. These early operations, however, have impressed on me the importance of a Southeast maritime region control, communication and intelligence (C3I) center. To be most effective, all air interdiction assets must be controlled from a centralized location that will maintain the "big picture".

SURVEILLANCE CAPABILITIES

Thirty-eight million of the $89M AC&I funding in the Omnibus Drug Supplemental Appropriation of 1986 will be used to procure two C-130 aircraft. I expect delivery of the two aircraft in December of this year. Another $35M was transferred to the Navy on 10 February and awarded on 25 February as part of an existing Navy contract for procurement of five new patrol boats. $1.8M of the $39M Operating Expenses in the Omnibus Drug Supplemental Appropriation of 1986 has been allocated for pipeline training for the crews of the 5 new patrol boats and C-130 crews. $3.5M of the $39M Operating Expenses in the Omnibus Drug Supplemental Appropriation of 1986 will be used to purchase new equipment including night vision devices, surveillance cameras, and aircraft life support systems.

BAHAMAS INITIATIVES

The Anti-Drug Abuse Act of 1986 authorized $5M for construction of a drug interdiction docking facility in the Bahamas to facilitate Coast Guard and Bahamian drug interdiction operations, and to establish a maintenance and boat lift facility usable by Coast Guard and Bahamian vessels. We have moved quickly to implement these facilities. As requested by the government of the Bahamas, a boat lift facility will be established at the permanent Bahamian Defense Force base at Coral Harbor, Providence Island. The Coast Guard has already awarded the contract for a travelift to be purchased for the site. The Seventh Coast Guard District in Miami is proceeding with engineering plans for the proper pier and facility support for the travelift.

To establish the drug interdiction docking facility, several sites in the Bahamas have been studied. The Coast Guard has identified two promising sites in the southern Bahamas: the first being Crown property located on Stocking Island across from Georgetown, Great Exuma, and the other being a former U.S. Navy seaplane facility located approximately 2 miles west of Georgetown. Negotiations with the Bahamian Government for either of these properties is on going under the auspices of the Department of State.

Coast Guard drug interdiction efforts in the Bahamas includes support of Operation Bahamas, Turks and Caicos (OPBAT). One Coast Guard HH-3F helicopter has been providing daytime support, and I plan to provide 24 hour Coast Guard support by October, 1987. In February I entered into an agreement with the United States Customs Service to provide on a reimbursable basis the Bahamas helicopter and communications support authorized in the Anti-Drug Abuse Act.

To assist in these initiatives from within the Bahamas, the U.S. Ambassador to the Bahamas requested the assignment of a Coast Guard Liaison Officer (CGLO) for her staff. The CGLO will be the primary point of contact and coordinator for narcotics interdiction matters relating to these and other similar initiatives. An officer has been identified and will be in place by April 1987.

The Coast Guard has been working closely with the Department of State on all efforts related to the Bahamas. As indicated in the Act, the Coast Guard has received concurrence by the Secretary of State when carrying out programs authorized by the Act. I anticipate continued progress in these important issues regarding interdiction efforts in the Bahamas.

The Coast Guard is moving rapidly to implement fully the Anti-Drug Abuse Act. As we bring new assets and responsibilities authorized by the Act on line, we are continuing to put forth the maximum effort with our existing resources. Because of the complexity of the illegal drug threat to this Country and the need for a comprehensive drug education program, I cannot promise that the "war" will be won soon. However, through close cooperation with other agencies and your support of the President's initiatives, we hope to reduce greatly the flow of illegal drugs into our country.

This concludes my prepared testimony, I will be happy to answer any questions.

TESTIMONY

OF

STEPHEN S. TROTT
ASSOCIATE ATTORNEY GENERAL
U.S. DEPARTMENT OF JUSTICE

BEFORE

U.S. HOUSE OF REPRESENTATIVES
SELECT COMMITTEE ON
NARCOTICS ABUSE AND CONTROL

ON

MARCH 18, 1987

REGARDING

IMPLEMENTATION OF THE ANTI-DRUG ABUSE ACT OF 1986:

DEPARTMENT OF JUSTICE

U.S. ATTORNEYS' OFFICES
ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE PROGRAM
U.S. MARSHALS SERVICE
FEDERAL BUREAU OF PRISONS

MR. CHAIRMAN, I APPRECIATE THIS OPPORTUNITY TO ADDRESS THE SELECT COMMITTEE, ON BEHALF OF THE ATTORNEY GENERAL, IN MY CAPACITY BOTH AS A REPRESENTATIVE OF THE DEPARTMENT OF JUSTICE AND AS CHAIRMAN OF THE NATIONAL DRUG POLICY BOARD'S LAW ENFORCEMENT COORDINATING GROUP.

AS YOU REQUESTED, I WILL DISCUSS THE JUSTICE DEPARTMENT'S IMPLEMENTATION OF THE ANTI-DRUG ABUSE ACT OF 1986 AND, MORE SPECIFICALLY, THE IMPACT THIS LEGISLATION HAS HAD--AND WILL CONTINUE TO HAVE--ON THE 93 UNITED STATES ATTORNEYS' OFFICES, THE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE PROGRAM, THE U.S. MARSHALS SERVICE, AND THE FEDERAL BUREAU OF PRISONS.

AS YOU ARE AWARE, THE ANTI-DRUG ABUSE ACT (ADAA) AND RELATED APPROPRIATIONS LEGISLATION PROVIDED THE FEDERAL DRUG LAW ENFORCEMENT AND EDUCATION/PREVENTION COMMUNITIES WITH MASSIVE NEW LEGAL, MATERIAL AND MANPOWER RESOURCES. WITH THESE NEW RESOURCES HAVE COME PARALLEL INCREASES IN RESPONSIBILITY.

THIS EXPANSION IN RESOURCES AND RESPONSIBILITIES HAS BEEN WELCOMED BY OFFICIALS AT THE JUSTICE DEPARTMENT, AND PARTICULARLY BY THOSE AGENCIES WHICH PROVIDE THE INVESTIGATORS, PROSECUTORS, AND PRISON CUSTODIANS ACTIVELY ENGAGED IN MAKING THE NATION'S DRUG PROGRAM WORK. IT IS TO THE ROLES, RESPONSIBILITIES, RESOURCES AND FUTURE OF THESE VITAL MEMBERS OF THE DRUG LAW ENFORCEMENT COMMUNITY THAT I WILL NOW TURN MY ATTENTION.

THE 93 UNITED STATES ATTORNEYS SERVE AS PRINCIPAL JUSTICE DEPARTMENT REPRESENTATIVES IN FEDERAL JUDICIAL DISTRICTS THROUGHOUT THE COUNTRY. THEIR PRIMARY ROLE IN THE DRUG LAW ENFORCEMENT PROGRAM IS TO PROSECUTE DRUG-RELATED CASES IN FEDERAL COURT AND PARTICIPATE IN COORDINATING MAJOR DRUG INVESTIGATIONS. U.S. ATTORNEYS, IN SHORT, REPRESENT THE JUSTICE DEPARTMENT'S PROSECUTORIAL FRONT LINE IN THE NATIONAL BATTLE AGAINST DRUG PRODUCTION, TRAFFICKING AND ABUSE.

U.S. ATTORNEYS CURRENTLY HAVE OVER 6,500 DRUG-RELATED MATTERS UNDERWAY INVOLVING ALMOST 11,000 SUSPECT-DEFENDANTS. IN ADDITION, U.S. ATTORNEYS HAVE OVER 6,300 CASES PENDING WHICH HAVE PRODUCED INDICTMENTS OR CHARGES BY COMPLAINT INVOLVING OVER 12,500 DEFENDANTS. ALTHOUGH ANTI-DRUG ABUSE ACT IMPLEMENTATION REMAINS IN ITS EARLY STAGES, IT IS EXPECTED THAT THE NEW LEGAL RESOURCES PROVIDED IN THE ACT WILL SIGNIFICANTLY INCREASE THEIR CASELOADS.

THESE NEW RESOURCES INCLUDE:

- 16 AMENDED OR NEW CONTROLLED SUBSTANCE ANALOGUE AND DRUG MANUFACTURING, TRAFFICKING, POSSESSION AND PARAPHERNALIA SECTIONS OR SUBSECTIONS;

- 4 AMENDED OR NEW ASSET FORFEITURE SECTIONS OR SUBSECTIONS ADDRESSING MONEY LAUNDERING, SUBSTITUTE ARREST AND WARRANTS;

- 13 AMENDED OR NEW CUSTOMS LAW SECTIONS OR SUBSECTIONS;
- 3 AMENDED OR NEW AVIATION DRUG TRAFFICKING SUBSECTIONS;
- 2 NEW MONEY LAUNDERING SECTIONS;
- 3 NEW CASH TRANSACTION SECTIONS OR SUBSECTIONS REGARDING STRUCTURING, SEARCH AND SEIZURE, AND FORFEITURE;
- 1 AMENDED AND 1 NEW CONTINUING CRIMINAL ENTERPRISE SUBSECTION;
- 1 SUBSECTION CREATING NEW CATEGORIES OF OFFENDER UNDER THE ARMED CAREER CRIMINAL ACT;
- 1 AMENDED SUBSECTION REGARDING DEPORTATION OF ALIENS;
- 2 NEW SUBSECTIONS ADDRESSING "BOOBY TRAPS" ON FEDERAL LANDS;
- 1 NEW SECTION REGARDING THE OPERATION OF COMMON CARRIERS WHILE UNDER THE INFLUENCE; AND
- 1 NEW SECTION ON "MARITIME DRUG LAW ENFORCEMENT."

IN ADDITION TO UTILIZING THESE NEW LEGAL RESOURCES, U.S. ATTORNEYS AND THEIR DISTRICT LAW ENFORCEMENT COORDINATING

COMMITTEES HAVE BEEN ACTIVELY WORKING WITH THE BUREAU OF JUSTICE ASSISTANCE AND STATE AND LOCAL OFFICIALS TO IMPLEMENT THE ADAA-MANDATED DRUG LAW ENFORCEMENT GRANT PROGRAM.

IN TERMS OF MANPOWER RESOURCES, THE CONTINUING RESOLUTION PROVIDED FISCAL YEAR 1987 FUNDS OF $351 MILLION FOR U.S. ATTORNEYS. THIS FUNDING INCLUDED $31 MILLION WHICH WAS AUTHORIZED TO BE APPROPRIATED BY THE ANTI-DRUG ABUSE ACT OF 1986. WHILE THIS $31 MILLION DID NOT PROVIDE FOR ANY NEW POSITIONS, IT WILL ALLOW U.S. ATTORNEYS TO FILL POSITIONS THAT WERE VACANT IN 1986 DUE TO RESOURCE REDUCTIONS IMPOSED BY GRAHAM-RUDMAN-HOLLINGS.

U.S. ATTORNEYS RECEIVED ENHANCEMENTS IN 1987 OF 90 POSITIONS (60 ATTORNEY AND 30 SUPPORT STAFF) AND $6 MILLION. THESE RESOURCES WILL BE USED TO ADDRESS THE INCREASED CASELOADS RESULTING FROM THE SOUTHWEST BORDER INITIATIVE, OPERATION ALLIANCE. THESE RESOURCES HAVE BEEN ALLOCATED AMONG THE U.S. ATTORNEYS' OFFICES IN THE SOUTHERN AND CENTRAL DISTRICTS OF CALIFORNIA, THE WESTERN AND SOUTHERN DISTRICTS OF TEXAS, AND THE DISTRICTS OF ARIZONA AND NEW MEXICO. WE EXPECT THESE POSITIONS TO BE FILLED IN THE NEAR FUTURE.

AS A RESULT OF THE EFFECTIVE IMPLEMENTATION OF THESE NEW LEGAL AND MANPOWER RESOURCES, U.S. ATTORNEYS EXPECT SIGNIFICANT PROGRESS IN 1987 AND BEYOND. IT IS ANTICIPATED THAT THE ACT'S MANDATORY MINIMUM SENTENCE PROVISIONS WILL GENERATE AN INCREASE

IN THE NUMBER OF PROSECUTIONS GOING TO TRIAL, AS DEFENSE ATTORNEYS MAY BE LESS INCLINED TO PLEAD THEIR CLIENTS GUILTY. CONVERSELY, THESE PROVISIONS MAY PROVIDE A GREATER INCENTIVE FOR SUBJECTS TO COOPERATE WITH GOVERNMENT OFFICIALS.

FURTHERMORE, THE ACT'S ASSET FORFEITURE PROVISIONS HAVE EXPANDED THE GOVERNMENT'S AUTHORITY IN THIS AREA. ASSETS DERIVED FROM ILLICIT DRUG TRAFFICKING WILL BE MORE SUSCEPTABLE TO FORFEITURE AS A RESULT. UNDER THE DIRECTION OF THE POLICY BOARD COORDINATING GROUP, INTERAGENCY AGREEMENTS ARE BEING PREPARED TO ENSURE EFFECTIVE USE OF FORFEITED FUNDS. CONGRESS WILL BE ADVISED OF THE PRECISE NATURE OF FINALIZED AGREEMENTS, AS ONE OF THE 58 REPORTING REQUIREMENTS OF THE ACT. SEIZING DRUG-RELATED ASSETS HAS UNQUESTIONABLY ENHANCED THE GOVERNMENT'S ABILITY TO DESTROY THE FINANCIAL STRUCTURE OF DRUG TRAFFICKING GROUPS.

IN PARTNERSHIP WITH U.S. ATTORNEYS ARE THE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES, OR OCDETFs. THROUGH A NETWORK OF 13 REGIONAL OFFICES IN MAJOR U.S. CITIES, THE GOAL OF THE OCDETF PROGRAM IS TO IDENTIFY, INVESTIGATE AND PROSECUTE MEMBERS OF HIGH-LEVEL DRUG TRAFFICKING ORGANIZATIONS, DESTROYING THEIR OPERATIONS IN THE PROCESS.

AGENTS AND SUPPORT PERSONNEL FROM VARIOUS FEDERAL INVESTIGATIVE AGENCIES, INCLUDING DEA, THE FBI AND OTHERS, ALONG WITH ASSISTANT U.S. ATTORNEYS, CONSTITUTE THE FOUNDATION UPON WHICH THE OCDETF PROGRAM IS BUILT. THE PROGRAM'S AIMS ARE:

- **TO TARGET, INVESTIGATE AND PROSECUTE INDIVIDUALS WHO ORGANIZE, DIRECT, FINANCE, OR ARE OTHERWISE ENGAGED IN HIGH-LEVEL ILLEGAL DRUG TRAFFICKING ENTERPRISES, INCLUDING LARGE-SCALE MONEY LAUNDERING ORGANIZATIONS;**

- TO PROMOTE A COORDINATED DRUG ENFORCEMENT EFFORT IN EACH TASK FORCE REGION AND TO ENCOURAGE MAXIMUM COOPERATION AMONG ALL DRUG ENFORCEMENT AGENCIES;

- TO WORK FULLY AND EFFECTIVELY WITH STATE AND LOCAL DRUG LAW ENFORCEMENT AGENCIES; AND

- TO MAKE FULL USE OF FINANCIAL INVESTIGATIVE TECHNIQUES, INCLUDING TAX LAW ENFORCEMENT AND FORFEITURE ACTIONS, TO IDENTIFY AND CONVICT HIGH LEVEL TRAFFICKERS AND TO MAKE POSSIBLE GOVERNMENT SEIZURE OF ASSETS AND PROFITS DERIVED FROM DRUG TRAFFICKING.

THE OCDETF PROGRAM HAS BEEN HIGHLY SUCCESSFUL IN THE FOUR YEARS SINCE ITS INCEPTION, PRODUCING OVER 3,300 INDICTMENTS FOR DRUG-RELATED OFFENSES AND OVER 5,300 CONVICTIONS AS A RESULT OF TASK FORCE INVESTIGATIONS. MORE CONVICTIONS HAVE BEEN REALIZED UNDER THE CAREER CRIMINAL ENTERPRISE STATUTE THROUGH THIS PROGRAM THAN IN ALL OTHER EFFORTS BY THE FEDERAL GOVERNMENT IN THE LAST FOUR YEARS. BY ALL MEASURES, THEN, THE OCDETF PROGRAM HAS BEEN AN OUTSTANDING SUCCESS.

AS IS THE CASE WITH U.S. ATTORNEYS, THE MOST SIGNIFICANT NEW RESOURCES THE ANTI-DRUG ABUSE ACT OFFERS THE OCDETF PROGRAM ARE NEW LAWS; AND FEDERAL AGENTS AND PROSECUTORS ARE ACTIVELY USING THESE ENHANCED PROVISIONS IN SUPPORT OF THE OCDETF MISSION. SPECIFIC PROVISIONS OF THE ACT WHICH ARE IMPROVING OCDETF INVESTIGATIONS, PROSECUTIONS AND SENTENCES INCLUDE:

- THE CAREER CRIMINALS AMENDMENT ACT OF 1986;
- THE MONEY LAUNDERING CONTROL ACT OF 1986;
- THE CONTINUING DRUG ENTERPRISE ACT OF 1986;
- THE DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND AMENDMENTS OF 1986;
- THE U.S. CUSTOMS SERVICE AUTHORIZATIONS AND FORFEITURE FUND;
- THE NARCOTICS PENALTIES AND ENFORCEMENT ACT OF 1986; AND
- THE DRUG POSSESSION PENALITY ACT OF 1986.

IN TERMS OF NEW MANPOWER AND MATERIAL RESOURCES, THE ANTI-DRUG ABUSE ACT OF 1986 AUTHORIZED FUNDING WHICH WAS SUBSEQUENTLY APPROPRIATED IN THE OMNIBUS SUPPLEMENTAL APPROPRIATIONS ACT OF 1987. AS A RESULT, 44 OCDE TASK FORCE

ATTORNEY AND SUPPORT PERSONNEL POSITIONS WERE AUTHORIZED. THE TOTAL APPROPRIATION FOR PERSONNEL AND NON-PERSONNEL EXPENSES IN THE APPROPRIATIONS ACT IS $2,557,000.

IT IS EXPECTED THAT THE OCDETF PROGRAM'S CONTINUED AND EFFECTIVE IMPLEMENTATION OF THESE NEW RESOURCES WILL RESULT IN:

- MORE SUBSTANTIAL SENTENCES FOR CONVICTED MAJOR TRAFFICKERS;
- SUBSTANTIAL IMPROVEMENTS IN TARGETING THE FINANCIAL RESOURCES OF DRUG TRAFFICKERS AND THEIR ASSOCIATES;
- INCREASED COOPERATION FROM DRUG TRAFFICKING ORGANIZATION MEMBERS AT ALL LEVELS DUE TO THE RISK OF LONGER PERIODS OF INCARCERATION;
- AN IMPROVED ABILITY TO STEM THE OUTWARD FLOW OF ILL-GOTTEN PROFITS; AND
- GREATER SUCCESS IN EXTRADITION AND EXTRATERRITORIAL DRUG AND MONEY LAUNDERING INVESTIGATIONS.

GREATER INVESTIGATIVE AND PROSECUTORIAL SUCCESS ON THE PART OF U.S. ATTORNEYS AND THE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES WILL, IN TURN, MEAN A MORE ACTIVE ROLE FOR THE UNITED

STATES MARSHALS SERVICE IN THE FEDERAL DRUG LAW ENFORCEMENT PROGRAM.

MAINTAINING THE SAFETY AND INTEGRITY OF THE JUDICIAL PROCESS IS THE MARSHALS SERVICE'S HIGHEST PRIORITY. IN SUPPORT OF THAT OBJECTIVE, THE MARSHALS MUST ENSURE THE SAFETY OF THE JUDICIARY AND ENDANGERED WITNESSES, EXECUTE WARRANTS AND COURT ORDERS, MANAGE SEIZED ASSETS, AND HANDLE PRISONERS AWAITING SENTENCING.

TO OFFSET THE MARSHALS' INCREASED WORKLOAD RESULTING FROM THE EXPANDED FEDERAL DRUG LAW ENFORCEMENT PROGRAM, THE ANTI-DRUG ABUSE ACT AUTHORIZED, AND THE FY 1987 CONTINUING RESOLUTION APPROPRIATED, $17 MILLION FOR THE MARSHALS SERVICE.

CURRENTLY ALMOST 40 PERCENT OF THE MARSHALS' WORKLOAD IS DRUG-RELATED. EFFECTIVE IMPLEMENTATION OF THE LEGAL AND MANPOWER RESOURCES PROVIDED BY THE ANTI-DRUG ABUSE ACT WILL, NECESSARILY, INCREASE THIS FIGURE.

FOR EXAMPLE, ACCELERATED EFFORTS TO BRING HIGH-LEVEL DRUG TRAFFICKERS TO TRIAL WILL RESULT IN A NEED FOR GREATER SECURITY PRECAUTIONS. THE MARSHALS SPENT $300,000 TO INSURE THE INTEGRITY OF THE RECENT "PIZZA CONNECTION" HEROIN CASE PROCEEDINGS, AND IT IS EXPECTED THAT THE UNPCOMING CARLOS LEHDER-RIVAS TRIAL WILL REQUIRE THE MOST INTENSE SECURITY EVER AFFORDED FOR THE PROSECUTION OF A SINGLE CRIMINAL.

IN ADDITION, MORE HIGH-LEVEL DRUG TRAFFICKING CASES WILL REQUIRE AN APPROPRIATE EXPANSION OF THE MARSHALS' HIGHLY SUCCESSFUL WITNESS PROTECTION PROGRAM. THE RECENT MURDER OF BARRY SEAL, A MAJOR DRUG WITNESS WHO REFUSED THE PROGRAM, DEMONSTRATES THE LENGTHS TRAFFICKING ORGANIZATIONS WILL GO TO BLOCK SIGNIFICANT TESTIMONY.

THE MOST VIOLENCE-PRONE OF ALL CLASSES OF CRIMINALS, DRUG TRAFFICKERS POSE A PARTICULAR DANGER TO INVESTIGATIVE AGENTS WHO DEVELOP INCRIMINATING EVIDENCE ON WHICH ARREST WARRANTS ARE BASED. THOSE AGENTS AND U.S. MARSHALS, WHO MAY BE CALLED UPON TO EXECUTE WARRANTS, REGULARLY FACE LIFE THREATENING SITUATIONS FROM DRUG VIOLATORS INTENT ON AVOIDING APPREHENSION. LAST YEAR, APPROXIMATELY 20% OF ALL ARRESTS MADE BY THE MARSHALS' SERVICE, WERE FOR DRUG-RELATED OFFENSES.

FINALLY, MORE INVESTIGATIONS AND PROSECUTIONS WILL INCREASE THE DEMANDS PLACED ON THE MARSHALS SERVICE FOR THE EFFICIENT CONTROL OF PRISONERS. CURRENTLY, 90,000 PRISONERS ARE RECEIVED ANNUALLY AND ON AVERAGE EACH PRISONER HAS THREE TO FOUR COURT APPEARANCES. AS MAJOR DRUG AND ORGANIZED CRIME FIGURES ARE APPREHENDED, GREATER RELIANCE WILL BE PLACED ON THE NATIONAL PRISONER TRANSPORTATION SYSTEM. IN ADDITION, ADDED PRESSURES WILL BE PLACED ON THE MARSHALS TO FIND SHORT-TERM FACILITIES TO HOUSE PRISONERS. THEY ARE CURRENTLY ADDRESSING THE PROBLEM BY JAILING ABOUT TWO-THIRDS OF ALL PRISONERS IN CONTRACT FACILITIES. BY 1988, APPROXIMATELY $1.7 MILLION WILL BE SPENT ON CONTRACT

DETENTION, REPRESENTING A 20 PERCENT INCREASE OVER CURRENT EXPENDITURES.

MOVING ALONG THE LAW ENFORCEMENT CONTINUUM, IF U.S. ATTORNEYS, THE ORGANIZED DRUG ENFORCEMENT TASK FORCES AND THE MARSHALS SERVICE ALL IMPLEMENT THEIR RESPECTIVE ANTI-DRUG ABUSE ACT RESOURCES EFFECTIVELY, THE FEDERAL BUREAU OF PRISONS WILL, IN TURN, HAVE AN EXPANDED ROLE IN THE DRUG LAW ENFORCEMENT PROGRAM.

THE FEDERAL BUREAU OF PRISONS IS RESPONSIBLE FOR CARRYING OUT THE JUDGMENTS OF FEDERAL COURTS WHENEVER A PERIOD OF CONFINEMENT IS ORDERED. THE POPULATION OF THE BUREAU'S 47 INSTITUTIONS IS NOW 42,000--50 PERCENT ABOVE THE TOTAL RATED CAPACITY OF THE FEDERAL PRISON SYSTEM.

AT PRESENT, DRUG LAW VIOLATORS ACCOUNT FOR THE LARGEST SEGMENT OF THE INMATE POPULATION--37 PERCENT. THIS IS IN SHARP CONTRAST TO 1970, WHEN THIS FIGURE WAS JUST 16 PERCENT. THE NUMBER OF DRUG VIOLATORS IS EXPECTED TO INCREASE SUBSTANTIALLY WITH IMPLEMENTATION OF THE ANTI-DRUG ABUSE ACT.

TO HOUSE THESE NEW PRISONERS THE CONGRESS PROVIDED FUNDING FOR TWO FEDERAL PRISONS. A SITE FOR A 700-BED FEDERAL CORRECTIONAL INSTITUTION IN JESUP, GEORGIA, HAS BEEN LOCATED FOR ONE OF THESE FACILITIES. CONSTRUCTION OF THIS $45-MILLION FACILITY WILL BEGIN THIS SUMMER AND IS SCHEDULED TO BE COMPLETED IN SEPTEMBER 1989. SITES IN THE NORTHEAST AND SOUTHEAST ARE NOW

BEING CONSIDERED FOR ANOTHER MEDIUM-SECURITY FEDERAL CORRECTIONAL INSTITUTION.

DESPITE THESE NEW RESOURCES, THE EFFECT OF THE ANTI-DRUG ABUSE ACT ON THE FEDERAL PRISON SYSTEM WILL BE CONSIDERABLE. CURRENTLY, DRUG OFFENDERS SERVE 40 PERCENT OF THE SENTENCES IMPOSED BY THE COURTS. UNDER THE ACT, DRUG OFFENDERS WILL SERVE MANDATORY MINIMUM SENTENCES, RANGING FROM FIVE TO 20 YEARS DEPENDING ON THE SEVERITY OF THE OFFENSE. THESE LONGER SENTENCES WILL INCREASE THE LENGTH OF TIME AN OFFENDER WILL SPEND IN FEDERAL PRISON, FURTHER INCREASING THE POPULATION OF THE FEDERAL PRISON SYSTEM.

THE INITIAL IMPACT OF THE ACT WILL BE FELT IN 1990, WHEN DRUG OFFENDERS INCARCERATED FOR CRIMES CLASSIFIED IN THE MEDIUM SEVERITY RANGE WOULD NORMALLY BE RELEASED. INSTEAD OF SERVING APPROXIMATELY TWO YEARS OF A FIVE-YEAR SENTENCE, THESE OFFENDERS WILL SERVE THE FULL FIVE YEARS. INMATES IN THE HIGH SEVERITY DRUG OFFENSE CATEGORY NOW SERVE AN AVERAGE OF FOUR YEARS OF A TEN-YEAR SENTENCE.

THE SEVERE SHORTAGE IN PRISON SPACE IS A SERIOUS WEAKNESS IN THE OVERALL CRIMINAL JUSTICE SYSTEM. DESPITE THE INFUSION OF ADDITIONAL FUNDS, AS PROVIDED BY THE ANTI-DRUG ABUSE ACT, INMATE OVERCROWDING UNDER CURRENT CONDITIONS APPEARS INEVITABLE. IT IS PROJECTED THAT BY 1993 THE TOTAL FEDERAL PRISON SYSTEM POPULATION WILL BE APPROXIMATELY 93 PERCENT GREATER THAN THE SYSTEM'S RATED

CAPACITY. THE PRESIDENT'S 1988 BUDGET PROPOSES SIGNIFICANT NEW FUNDING TO ALLEVIATE THIS PROBLEM. IN ADDITION, THE POLICY BOARD COMMISSIONED A WORKING GROUP, CHAIRED BY A REPRESENTATIVE OF THE DEPARTMENT OF JUSTICE, TO EXPLORE A WIDE VARIETY OF POSSIBLE SOLUTIONS.

THE BENEFITS OFFERED BY THE ANTI-DRUG ABUSE ACT, AS I HAVE INDICATED, CARRY WITH THEM CONSIDERABLE ASSOCIATED BURDENS FOR THE LAW ENFORCEMENT COMMUNITY. THE NATION MUST NOT COMPROMISE WITH DRUG TRAFFICKING AND ABUSE AND WE ARE PREPARED TO SHOULDER THESE BURDENS. HOWEVER, AS OUR EXPERIENCE WITH THE NET EFFECTS OF THE ANTI-DRUG ABUSE ACT ACCRUES, WE MAY WELL COME BACK TO YOU MR. CHAIRMAN AND THIS COMMITTEE FOR ADDITIONAL ENHANCEMENTS OF THE PRESENT DRUG LAWS.

Statement

Of

JOHN C. LAWN
Administrator
Drug Enforcement Administration

Before

The

Select Committee on Narcotics Abuse and Control
House of Representatives

Concerning

Drug Enforcement and Interdiction
Relative to the Anti-Drug Abuse Act of 1986

On

March 18, 1987

Chairman Rangel, and Members of the Select Committee on Narcotics Abuse and Control: I am pleased to appear before you today to discuss the implementation of the provisions of the Anti-Drug Abuse Act of 1986 that have been planned by the Drug Enforcement Administration.

Before describing DEA's utilization of the resources allocated by the Act and our implementation of its relevant provisions, I would like to briefly state for the record DEA's role in drug law enforcement.

The Drug Enforcement Administration is responsible for the investigation and preparation for prosecution of major violators of controlled substances laws operating at interstate and international levels, and the management of a national narcotics intelligence system in cooperation with Federal, state, local and foreign officials. DEA is also responsible for ensuring that legitimately produced pharmaceutical products are not diverted into the illegal drug market. Our criminal investigators, intelligence analysts, diversion investigators, and support personnel work not only in the United States, but also in major international drug source and transit areas.

In addition, DEA shares responsibility for the coordination and cooperation with other Federal, state, and local agencies, and with foreign governments for programs designed to reduce the availability of illicit drugs of abuse on the United States market through joint enforcement operations, crop eradication, and training.

In FY 1986, before the Anti-Drug Abuse Act was enacted, DEA made dramatic gains in the arrests of major violators and the seizure of assets. During FY 1986, DEA arrested a record 18,746 drug violators. This is an increase of 3,015 or 19.2 percent overall from FY 1985. Of those arrested, 6,002 were the most significant drug violators, Class I and II defendants. Arrests of these major violators increased 47.9 percent in FY 1986.

A record total of 12,177 convictions were reported during FY 1986. This is an increase of 1,649 or 15.7 percent over FY 1985. Convictions in major cases increases 22.1 percent, from 6,221 to 7,595 from FY 1985 to FY 1986, and 62.4 percent of all convictions resulted from major cases, those which had Class I and II violators as defendants.

Drug removals of marijuana, cocaine, and dangerous drugs also increased markedly. Cocaine removals totaled 26,873 kilograms in FY 1986, compared with 17,726 kilograms in FY 1985, an increase of 52.6 percent. Marijuana seizures totaled 824,367 kilograms compared with 752,086 during FY 1985, a rise of 11.4 percent. Dangerous drugs removals totaled 46 million dosage units, a 76 percent increase from the prior year.

Only heroin seizures declined. During FY 1986, 351 kilograms of heroin were seized, a decrease of 21 percent over the amount seized the year before. The decline in heroin seizures is somewhat misleading. Seizures in growing and transit areas, which are much more effective since those drugs never reach the United States, increased. We are also spending an ever increasing percentage of our effort in the fight against the cocaine threat.

Asset removals for FY 1986 increased 53 percent from the prior year and totaled $378,814,291. Of this amount, over 40 percent was cash.

Despite all of these successes, there are more illicit drugs on the streets of our cities than ever before. Most of these drugs come from foreign countries. Thus, it is in these source countries that we must continue to apply substantial resources to eradicate and interdict illicit drugs. Interdiction after the drugs leave a foreign country becomes extremely difficult and not as cost-effective.

DEA appreciates the additional responsibilities and resources that Congress allocated under the Anti-Drug Abuse Act of 1986 to enable the U.S. Government to more effectively pursue the criminals who traffic in illicit drugs and to combat the demand for and use of drugs in the United States. As a part of the Act, Congress provided DEA $60 million for salaries and expenses, and 629 positions, of which 359 are Special Agents. I would now like to address your concerns about DEA's implementation of the relevant provisions of this Act and our use of resources.

DIVERSION CONTROL AND CLANDESTINE LABORATORIES PROGRAMS

DEA diversion investigators ensure that all legitimate handlers of controlled substances are in compliance with the laws and regulations under the Controlled Substances Act of 1970, and that controlled substances which are produced for medical and scientific purposes are not diverted for illegal use. To do this, they conduct periodic investigations of drug manufacturers and wholesalers, as well as special investigations of registrants who are suspected of diversion. They also monitor all imports and exports of controlled substances, register all handlers of controlled substances, conduct pre-registration investigations prior to approval of applications for registration, and recommend the placement of drugs of abuse in the appropriate schedule.

A major focus of our diversion program has always been to enhance the ability of states to take effective action against registered practitioners who are in violation of the Controlled Substances Act. Following two national conferences with the states, which focused on methods and programs to enhance their efforts to halt diversion, DEA has been working closely with the Bureau of Justice Assistance (BJA) and the states to focus Federal grant money devoted to diversion efforts to areas identified at these conferences.

Grants will focus on activities that would improve the authority and structure of state licensing boards, improve statewide drug information collection systems, establish state emergency scheduling provisions, and establish methods and structures to improve the communication and operating procedures between law enforcement and state professional licensing boards.

Diversion investigators will also continue to build upon the successes of the 1984 Diversion Control Amendments, especially in moving to deny an application for registration or revoking a registration of a doctor or pharmacy whose registration would be inconsistent with the public interest.

Emergency Scheduling

Thus far, DEA has used the emergency scheduling authority under the 1984 Diversion Control Amendments on five separate occasions to control 13 substances in Schedule I. These substances are 10 analogs of the potent narcotic fentanyl, two analogs of the narcotic meperidine (Demerol), and MDMA. The availability and abuse of these controlled substance analogs has been curtailed.

In those instances where the substances have remained in illegal use, DEA has been able to apprehend and prosecute the manufacturers and traffickers. Numerous prosecutions of manufacturers and distributors of MDMA took place shortly after its emergency control. For example, the emergency control of 3-methylfentanyl enabled DEA to arrest and successfully prosecute a chemist from a prominent chemical firm who had manufactured several million dosage units of this extremely potent narcotic.

Four of the temporarily controlled substances, including MDMA and 3-methylfentanyl, are now permanently controlled in Schedule I. Seven of the remaining substances have been proposed for permanent Schedule I control.

Controlled Substances Analog Enforcement Act

Although the Controlled Substances Analog Enforcement Act of 1986 does not specifically schedule analogs, it does provide an effective weapon against them. This Act subjects individuals who manufacture or distribute controlled substance analogs for human consumption without proper FDA research approval to the same criminal sanctions as those who unlawfully manufacture and distribute Schedule I controlled substances. The definition of an analog is tied to its chemical or pharmacological similarity to a Schedule I or II substance.

It is envisioned that this Act will complement the scheduling of substances under the Controlled Substances Act and not obviate the need for scheduling. It will be used in cases where an analog has been newly identified and DEA has not had the opportunity to schedule it under the CSA. These newly identified substances will be reviewed for emergency and traditional scheduling, and, when and if sufficient data is obtained, they will be controlled.

A 1985 clandestine laboratory investigation illustrates an important potential application of the new legislation. A chemist operating a clandestine lab was manufacturing and distributing 3-methylfentanyl, which had been emergency scheduled by DEA. By the time the laboratory search took place, the chemist had stopped making 3-methylfentanyl and was making other fentanyl analogs, which were discovered in the search. Since these other analogs were not controlled, no charges could be brought against the chemist. If a similar situation occurred today with the new legislation, the chemist could be prosecuted for the manufacture and distribution of an analog for human consumption.

Precursor Chemical Program

Part of the DEA diversion resources granted for 1987 are being devoted to an enhanced precursor chemical tracking program with the chemical industry. This voluntary program involves monitoring sales of essential and precursor chemicals from legitimate industry to detect suspicious sales which may be destined for clandestine labs. It will enhance the existing clandestine lab program and provide a foundation for future Federal programs to curtail the diversion of chemicals.

The Anti-Drug Abuse Act of 1986 called upon the Attorney General to conduct a study of the need for legislation to control the diversion of precursor and essential chemicals. This study and accompanying proposed legislation will be forwarded shortly to Congress.

Clandestine Laboratory Safety Program

Another program developed by DEA will serve to protect our special agents and chemists who raid clandestine laboratories. The violence and chemical hazards that have been encountered on raids are expected to be a continuing problem because of the increase in clandestine laboratories in the United States that produce drugs such as cocaine hydrochloride, methamphetamine, PCP, and any number of controlled substance analogs. In fiscal year 1986, DEA seized 479 clandestine labs and seized more than 1,000 weapons during these actions. Approximately 20 percent were fully automatic weapons. Many of the labs also contained explosives and booby traps.

An equally important threat, although it is generally less recognized than armed defense, is that of the chemicals, compounds, drugs, and drug analogs present in the labs. Inhalation of chemicals is the predominant hazard, although skin contact and, to a lesser extent, ingestion could also occur. The skin is an effective barrier to some chemicals, but others could produce serious, even fatal, reactions through skin absorption. Labs producing controlled substance analogs expose DEA personnel to newly synthesized narcotic and hallucinogenic drugs whose toxic properties are not yet fully known. These chemicals could also cling to the clothing of those who seize labs and pose an unexpected danger to their families, colleagues and acquaintances who could come in contact with traces of chemicals found on their clothes and in their cars.

To protect our special agents and chemists, we have developed a clandestine laboratory agent safety program, which includes the purchase of innovative protective and safety equipment and a one-week training course on its proper use. Once fully implemented, the safety program can also benefit state and local law enforcement agencies who conduct clandestine lab seizures.

STATE AND LOCAL COOPERATIVE EFFORTS

DEA works closely with state and local law enforcement agencies around the nation on both a formal and informal basis to attain maximum cooperation on drug investigations and to expand the body of intelligence concerning drug traffickers. DEA also provides classroom and on-the-job training for state and local police. The Anti-Drug Abuse Act now provides DEA with the authority to deputize state and local officers with authority under the Controlled Substances Act, Title 21, to permit these officers to perform Federal level investigations together with DEA special agents.

The Anti-Drug Abuse Act authorized the Bureau of Justice Assistance to make grants to the states for programs that improve the apprehension, prosecution, adjudication, detention and rehabilitation of drug offenders. The funds may also be used for eradication initiatives, treatment efforts, and programs to focus on major drug offenders.

DEA has assisted BJA in developing program briefs for the states on numerous topics including diversion, asset forfeiture, marijuana eradication, clandestine laboratories, and state and local task forces. To help the states design their enforcement strategies and effectively administer this new drug control program, BJA is hosting three regional workshops in March; the first was March 5, 1987, and the next is tomorrow. DEA Special Agents in Charge and Assistant Special Agents in Charge are attending the regional briefings to meet the individual state representatives who will be administering the program in each state.

You have asked about DEA's plans to enforce the "Mail Order Drug Paraphernalia Control Act" that is part of the Anti-Drug Abuse Act of 1986. This Subtitle O of the Act created a new offense that makes it unlawful to offer for sale or transport in interstate commerce or to import drug paraphernalia. The Act was designed to support state and local efforts to stop the sales of drug paraphernalia by addressing the problems of mail order sales and the importation of drug paraphernalia.

The Postal Inspection Service has begun active enforcement of the mail order prohibitions of the Act. Similarly, the U.S. Customs Service has assumed responsibility for investigation of the import/export provisions of the Act. The activities of these two agencies should ensure that Federal law enforcement can now play a greater role in this area.

Certain other prohibited acts under the Anti-Drug Abuse Act, such as the use of children to manufacture or distribute controlled substances and the manufacture or distribution of controlled substances within 1,000 feet of a school, generally occur on a local level and are not masterminded by a nationwide drug organization.

Thus, the prohibition of these acts gives greater enforcement powers to state and local law enforcement agencies. Most state and local arrests are at the Class III and IV level, according to a DEA scale of drug offense violators in which Class I is accorded to a major violator, such as the head of a criminal organization or the distributor of large amounts of drugs. Arrests under the two new laws above would usually be Class III and IV.

Attorney General Meese has said the "schoolyard law" represents, "a significant...victory in the ongoing fight to rid the nation's schools of illegal drugs....Drug dealers who think they can invade and occupy entire neighborhoods had better think again. We will push the traffickers from the streets of our cities and return them to their rightful owners, the decent, law-abiding citizens of our land."

When utilization of the minors' law and the schoolyard law are practical from the legal viewpoint, and when such utilization enhances DEA's efforts to immobilize trafficking organizations, their use by DEA will be encouraged. No additional responsibilities are levied upon DEA as a result of these laws.

The Drug Enforcement Administration continues to direct its efforts at the highest level of the narcotics traffic. In order to have the greatest impact on the drug traffic, it is necessary to target the most significant traffickers. However, we continue to support local law enforcement efforts in enforcing drug laws. We are especially proud of the accomplishments of the DEA State and Local Task Forces which usually direct their efforts at local level traffickers.

State and Local Task Forces

A formal, ongoing operation, the DEA State and Local Task Force Program unites DEA Special Agents with state and local police officers into cohesive drug enforcement units in selected geographic areas to provide increased drug enforcement, interagency investigative cooperation, and a continuing intelligence exchange.

The program encourages participating agencies to establish investigative priorities that stress drugs and level of violators that pose the most serious threat to that area. In 1986, 35 program-funded DEA State and Local Task Forces were operating.

The passage of the Anti-Drug Abuse Act of 1986 has enhanced this program by providing 94 new DEA positions and by providing resources to establish a special unit in DEA Headquarters to oversee this program, as well as DEA's participation in the Organized Crime Drug Enforcement Task Forces. The Act also appropriated an additional $10 million in funding for establishing new State and Local Task Forces, and allowed DEA the funding necessary to enhance existing task forces proven to be successful. Through this funding, 6 new program-funded State and Local Task Forces were put into operation, bringing the total to 41 at this time.

Cocaine Enforcement

Increased law enforcement efforts against cocaine have produced dramatic results, with a more than 52 percent increase in seizures made by DEA in FY 1986 over the prior year. Seizures of cocaine are estimated to further increase this year after all the newly mandated resources and manpower are in place.

The Act assigned 218 positions and $8 million to DEA domestic field staffs to combat increased cocaine trafficking. DEA has completed an overall strategy specifically targeting cocaine and intended for use by all participating law enforcement agencies, Federal, state and local. New positions will be allocated proportionately to field offices in areas in which cocaine trafficking is most prevalent.

One special program planned for FY 1987 will focus on crack cocaine. DEA will expand its existing program of Federal, state and local cooperative activities with the creation of 24 "crack teams." Crack is primarily a local phenomenon and not part of a nationwide manufacturing or distribution chain. In the near future, crack teams will be established in 24 metropolitan areas that have expressed a desire to participate in this program. Two additional DEA special agents will be assigned to develop an informal team together with eight state and local law enforcement officers for each metropolitan area selected.

Asset Sharing and Asset Removal Teams

Another benefit from continuing cooperative efforts is asset sharing. The Comprehensive Crime Control Act of 1984 established that state and local law enforcement agencies that participate with DEA and other Federal agencies in joint investigations are entitled to receive a share of all proceeds of the assets seized and forfeited in those operations. During FY 1986, disbursements were made in 1,273 sharing requests that DEA received from state and local governments. These disbursements had a total value of $23.5 million.

We expect that there will be a larger total of seized and forfeited assets for state and local agencies to share in the future.

It is anticipated that assets seized and forfeited will substantially increase because of DEA's establishment of asset removal teams in 8 of our 19 field divisions this past year. Composed of DEA and IRS agents, and state and local officers in some cases, these teams review and work DEA enforcement cases for asset removal potential. The asset removal teams work with enforcement case agents and the Assistant United States Attorneys to ensure that seizure potential is fully exploited in every case.

We anticipate that these teams will continue to perfect their techniques and that new teams will be established in more of our field divisions before the end of this year.

COOPERATIVE FEDERAL AND INTERNATIONAL EFFORTS

The Act enhanced DEA's operations in foreign cooperative drug investigations and in intelligence gathering with an increase of 65 positions and $9 million. DEA is proposing that 40 of these positions be used for special agents, most of whom would be assigned to South and Central America. It is anticipated that having additional special agents in host countries that are primary sources for cocaine or transshipment countries could aid these countries in increasing their seizures of cocaine, destroying coca crops and laboratories, and arresting traffickers.

In addition, Congress earmarked $13 million for air operations, including $8.4 million for specific aircraft equipment for use in cocaine programs. Requests have been submitted for the purchase of these aircraft. The additional aircraft and the manpower increases of 11 positions will enable DEA to be more effective in South America, Central America, and Mexico to reduce the flow of cocaine into the United States.

Cooperative Special Enforcement Operations

DEA participates in the Organized Crime Drug Enforcement Task Forces, the Vice President's National Narcotics Border Interdiction System, and similar formally organized cooperative efforts. DEA is also currently involved in several cooperative operations that target in particular the influx of narcotics from South America, Central America, and the Caribbean.

Operation Vanguard

Operation Vanguard is part of the United States-Mexican bilateral eradication campaign which uses aerial reconnaissance for the purpose of detecting illicit cultivation of opium poppies and cannabis and verifying their eradication. This program has identified sizable increases in cannabis and opium poppy cultivation in previously purported eradicated areas, as well as in nontraditional growing sites.

Resources for the Mexican eradication campaign are supplied by the Bureau of International Narcotics Matters (INM) of the State Department. However, DEA plays a vital role in this campaign. DEA agents supply information to the eradication campaign on the locations of fields under cultivation. They also participate in the verification of the eradication efforts.

Operation Vanguard has had a generally successful year with a 90 percent verification rate on fields sprayed by the Mexican Government. Both the United States and Mexico have reaffirmed their commitments to the eradication campaign in Mexico.

Operation Alliance and Operation Full Press

A new United States cooperative program has begun on the Southwest border of the United States. In August 1986, the Vice President, as head of the National Narcotics Border Interdiction System, and the Attorney General, as Chairman of the National Drug Enforcement Policy Board, announced the commencement of Operation Alliance. It is a multi-agency law enforcement interdiction effort aimed at curtailing the flow of illicit drugs from and through Mexico into the United States.

The primary agencies involved in the actual interdiction activity are the U.S. Customs Service, the U.S. Border Patrol, the U.S. Coast Guard, and DEA. U.S. Customs has primary responsibility for air and ports of entry interdiction. The U.S. Border Patrol has been charged with land interdiction responsibility between the ports of entry, and the U.S. Coast Guard has primary responsibility for sea interdiction. Each agency is conducting separate operations as a part of the umbrella heading of Operation Alliance. These agencies are supported by state and local law enforcement agencies in border states and by several other Federal agencies.

DEA has primary responsibility for providing strategic and tactical narcotic trafficking intelligence, and is responsible for pursuing all domestic and international drug investigations resulting from Operation Alliance. DEA has committed sizable investigative and intelligence resources to support Operation Alliance, including the increase of its permanent special agent work force in southwest border offices by 55 special agents during 1986. In addition, 11 special agents have been added to DEA's offices in Mexico, and this has enhanced the collection of tactical drug interdiction intelligence in Mexico.

In support of this operation, DEA established the U.S. Southwest Border Intelligence Task Force to provide strategic assessments of all aspects of drug trafficking from Mexico to the United States. DEA offices in Mexico support Operation Alliance by reporting to the El Paso Intelligence Center (EPIC), on a daily basis, aircraft sighted at airfields within their geographic areas of responsibility. EPIC then provides the reporting offices and U.S. Customs air interdiction offices along the border with background data on suspect aircraft. EPIC processed 950 aircraft sightings from DEA within a five-month period, of which 50 were positive hits on suspect aircraft. Five of these suspect aircraft were seized following their foreign sighting.

Operation Full Press, which began this past October, is a DEA special enforcement operation conducted with the U.S. Border Patrol and supported by the U.S. Customs Service within Operation

Alliance. Operation Full Press is directed toward the interdiction of narcotics between and at the ports of entry and the initiation of follow-up investigations and prosecutions.

Operation Full Press, in its initial four-and-a-half months of operation, achieved immediate tactical success which was highlighted by a total of 242 investigative case initiations, 296 arrests, and seizures of more than 15,000 kilograms of marijuana, more than 450 kilograms of cocaine, 36,000 dosage units of Mandrax (methaqualone), approximately $66,000 in cash, and 94 vehicles.

In support of the overall Operation Alliance initiative, DEA has delegated limited narcotic arrest, and search and seizure authority to approximately 2,800 U.S. Border Patrol agents who were trained in narcotic-related subjects and drug interdiction methods by DEA. We believe that Operation Full Press has been so successful because of the U.S. Border Patrol's new expertise in drug law enforcement techniques, which developed from the training provided.

Operation Chem Con

For several years, DEA has spearheaded Operation Chem Con to reduce the availability of essential chemicals used in the illicit manufacture of cocaine hydrochloride and other drugs. In

1986, approximately 2,000 55-gallon drums of ether were seized in the United States and abroad. This amount of ether would have produced more than 24,000 kilograms of cocaine hydrochloride. In addition, more than 1,000 55-gallon drums of acetone were seized as a result of Operation Chem Con last year. This could have processed about 12,000 kilograms of cocaine.

In 1986, as in 1985, Chem Con seizures of ether decreased from the prior year. This decline occurred because of increased enforcement by countries in which cocaine labs are located, the intelligence effort by source countries, and the voluntary denial of suspicious shipments by the ether producers. Thus, even though there was a decrease in seizures, we consider it a success -- one achieved through cooperation of law enforcement agencies and private firms in several countries.

In fiscal year 1987, DEA will continue to expand the base of countries participating in Operation Chem Con. We will focus our efforts on Colombia, Ecuador, Venezuela, Bolivia, and Peru, countries which use essential chemicals to produce drugs; and Brazil, Argentina, and Chile, which produce essential chemicals used in illicit drug production.

Operations in Central America and the Caribbean

Three other drug enforcement operations involve the cooperation of Central American and Caribbean nations. In one, Panama, Venezuela and Jamaica are joining with several U.S. Government agencies for maritime surveillance and interdiction operations.

In another operation, DEA is continuing its interdiction activity with the Bahamas via Operation BAT, which operates in the Bahamas and the Turks and Caicos Islands. It is estimated that as much as 60 percent of the cocaine and marijuana in the United States transits the Caribbean from source countries through the Bahamas, Turks and Caicos Islands. Further, it is estimated that as much as 30 percent of the drugs transitting the Bahamas are off-loaded in some fashion in Bahamian territory for onward shipment to the United States.

Among the objectives of Operation BAT are the disruption of the flow of marijuana and cocaine transitting this area en route to the United States; an attempt to close the islands to smugglers for use as aircraft refueling stops, storage locations and staging points; the identification of major smuggling organizations by their aircraft and pilots in the area; and the providing of additional training to the host country's narcotics and law enforcement officers.

In Operation BAT, Bahamian officers are ferried to their islands in U.S. military helicopters to make drug seizures and arrests. They are accompanied by DEA agents. In calendar year 1986, Operation BAT-assigned aircraft flew 1,849 sorties for a total of 3,104 hours, and were responsible for the seizure of: 3,291 kilograms of cocaine; 42,271 kilograms of marijuana; 8 vessels; 13 aircraft; and 3 vehicles. During a recent 10-day period, Operation BAT efforts resulted in the seizure of more than 900 kilograms of cocaine, approximately 900 kilograms of marijuana, 17 arrests, and the seizure of 3 aircraft and one vessel.

The United States has been working closely with the Bahamian Government to improve the interdiction of drugs smuggled through that key transit country. The Anti-Drug Abuse Act of 1986 established a U.S.-Bahamian Drug Interdiction Task Force made up of the U.S. Customs Service, the U.S. Coast Guard, DEA, and the Bahamian authorities. The Task Force, which is an extension of Operation BAT, includes provisions for the joint operation of additional interdiction pursuit helicopters, improved communications capabilities, and construction of a marine repair and maintenance base in the Bahamas. In order to fully implement the task force, studies are being conducted in the areas of communications, logistics, intelligence, and air and marine operations.

AVLOS

DEA and the State Department have begun an exchange of information as a part of the State Department's Automated Visa Lookout System (AVLOS). U.S. consular offices overseas are tied to a main computer in order to check foreign nationals who request a visa to enter the United States. Problems in their background would alert the State Department and may prevent then from receiving a visa.

CONCLUSION

The budgetary enhancements for drug enforcement the past few years have allowed the Drug Enforcement Administration to increase substantially our seizures of drugs and assets, and our arrests and convictions of drug dealers and traffickers. But, with all we are doing, it is difficult to say whether we have had an impact on the amount of drugs finally reaching American streets and American drug users.

Of one thing I am certain: If we did not stand as centurions in the constant fight against drugs, if we did not continue to enforce our drug laws with increased manpower and resources, the drug problem in the United States would be far worse.

The United States must and will continue to use new laws and penalties to eliminate any loopholes that drug traffickers could use to escape prosecution.

Mr. Chairman, I thank you and this committee for your leadership role and continuing support of progress in drug law enforcement. I will be pleased to answer any questions you may have.

IMMIGRATION AND NATURALIZATION SERVICE

COMMISSIONER'S TESTIMONY

BEFORE THE

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

U. S. HOUSE OF REPRESENTATIVES

CONCERNING

THE IMPLEMENTATION OF THE ENFORCEMENT AND INTERDICTION PROVISIONS IN THE "ANTI-DRUG ABUSE ACT OF 1986".

WEDNESDAY, MARCH 18, 1987

9:30 A.M.

RAYBURN HOUSE OFFICE BUILDING, ROOM 2261

STATEMENT OF THE COMMISSIONER

BEFORE THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

Mr. Chairman and Members of the Select Committee:

I am please to have the opportunity to be here today to discuss the implementation of the enforcement and interdiction provisions in the "Anti-Drug Abuse Act of 1986."

On December 15, 1986, Commissioner Alan C. Nelson directed INS offices nationwide to implement a new INS program designed to intensify our efforts in the war against criminals. The Alien Criminal Apprehension Program (ACAP) is an aggressive pilot project with one objective--to remove alien criminals from the street, from the community, and ultimately, from the United States in as expeditious a manner as is possible, consistent with due process requirements.

The program is both proactive and reactive. It requires systematic detection and arrest of alien criminals within our country either before or after their incarceration for conviction of serious crimes. Prior Service efforts tended to concentrate solely on aliens who were in penal institutions, after their trials and convictions. While this is necessary and desirable, it is equally necessary for INS officers to project clearly that the presence of criminal aliens in the community will not be tolerated, and that the full force of the agency will be used to effect their removal by any lawful means. For this reason, aliens who are on probation, parole, pre-trial diversion programs, or who in any other way pose a danger to the community by virtue of their illegal or illicit conduct, will be selectively targeted for action, with particular attention to violent street crimes, and narcotics related offenses.

Both the proactive and reactive modes call for formation of special operational units. In the proactive mode, this calls for teams consisting of INS and state or local police officers, who will work known areas of criminal activity (particularly drug trafficking) with high concentrations of alien participants or suspects. These units will also develop lists of violent offenders and recidivists who are amenable to Service action for any violation(s) of law, criminal or administrative, which will result in their incarceration and/or removal.

In the reactive mode, these special units will consist of INS officers and, as necessary or desirable, officers or representatives of prosecutorial, correctional and probation or parole agencies. These units will be tasked with seeking out and identifying alien offenders who are already within the criminal justice system, and processing them for deportation proceedings.

BACKGROUND

On May 15, 1986 the Committee on Appropriations, United States Senate, issued a report (99-301) on the INS supplemental appropriations bill, H.R. 4515. That report requested the Attorney General, acting through the Immigration and Naturalization Service (INS) to provide the Committee with a detailed strategy for investigating, apprehending, and deporting criminal aliens; including the specific plans of INS to implement this strategy. On September 8, 1986, in response to the Committee's request, Commissioner Nelson transmitted a comprehensive INS plan for approaching the problem of criminal aliens within the United States.

The genesis of this program (ACAP) can be found in that document. A three-phase strategy has been developed in response to the criminal alien problem. Each phase, while inter-related, is not inter-dependent. In this way, impediments encountered in the successful accomplishment of critical goals in any one phase will not have an adverse impact on the pursuit of goals in any other phase. A brief description of these phases follows:

- PHASE I -- This phase identifies strategies to be accomplished within present resource commitments, priorities and program responsibilities. It can best be described as mandating management and administrative improvements.

- PHASE II -- This phase increases INS efforts through major, but geographically limited tactical endeavors that have modest, absorbable costs and temporary manpower commitments associated with them. This phase can be sustained indefinitely, but should be viewed as temporary, and short-term in nature. It should be used to identify "hot spots" where maximum benefit can be realized. Investigative commitment can be made without supplemental funding or significant change in priorities.

- PHASE III -- This phase is similar to that in PHASE II, but increases costs and manpower commitments significantly. This would include multiple and/or simultaneous operations conducted nationally or, at a minimum, at several major metropolitan areas throughout the United States. This would necessitate substantial funding and a change, at least temporarily, in priorities.

Section 241 of the Immigration and Nationality Act (INA) sets forth the statutory provisions under which an alien may be deported from the United States. Within the section are several grounds of deportability arising specifically from criminal acts committed in the

United States. Included are crimes involving moral turpitude, prostitution or managing of a house of prostitution, alien smuggling, illegal possession of an automatic weapon or sawed-off shotgun, and narcotics offenses. In regard to narcotics, the INA has recently been strengthened through the Anti-Drug Abuse Act of 1986 in that INS may now seek the deportation of those narcotics traffickers involved in synthetic and/or designer drugs. Heretofore, INS has been precluded from doing this.

The above provisions of the INA evidence the numerous bases for commencement of administrative deportation action against criminal aliens. However, there are currently several practices which lend themselves to abuse within the due process requirements of a deportation hearing. First, as distinguished from the criminal law, the administrative deportation process does not have a "speedy trial" rule. Failure to comply with this rule in criminal proceedings results, of course, in the dismissal of charges.

Such a rule is not practical for this process in that, even if not adhered to, the matter would not be resolved, i.e. the defendant would still be in the United States illegally. INS cannot create a parallel to this practice for the administrative deportation process as the defendant would still be without basis under the INA to obtain legal status.

Without the statutory incentive for prompt judicial action afforded by ~~the~~ "speedy trial" rule, the INS administrative docket, coupled with past resource limitations in terms of the number of Immigration Judges (IJs) available to conduct hearings, has resulted in overwhelming case backlogs.

The apprehension of 1.8 million illegal aliens in FY 1986 is substantive evidence of the immigration dilemma facing the United States. The recently enacted Immigration Reform and Control Act (IRCA) will help INS to address this crisis, by providing new INS resources, as well as additional Immigration Judges to conduct deportation proceedings in a timely manner and reduce present backlogs.

Many of the non-criminal cases now on our deportation docket have been set aside in anticipation of those individuals being eligible for legalization of status under IRCA. We can now begin to ensure the expeditious conduct of deportation proceedings against the criminal element of the alien population, as they will not be entitled to benefit by the generous legalization provisions of the law.

We do not believe that the statutory grounds for deportation need be altered. Rather, a mechanism to ensure timely resolution of the cases is needed. A solution would be to statutorily limit the appeals process. With each system of review comes, prolongment of the ultimate outcome due to the overcrowding that appellate bodies face on their respective dockets. There is already an appellate tribunal in the Board of Immigration Appeals (BIA) charged with reviewing IJ decisions. Nonetheless, Federal District Court judges often must entertain temporary restraining orders, writs of habeas corpus and mandamus, etc. over an individual, above and beyond the administrative hearing process.

By statutorily extending due process to illegal aliens beyond constitutional requirements, we have invited abuse of our legal system. Postponements, continuances and the filing of oftentimes frivolous applications have become commonplace. It is not unusual for an INS officer to execute an order of deportation on a criminal alien who has been cycling through such legal proceedings for several years. At such points, the system loses all credibility to the public at large. The defendant may often have been charged initially with simple technical immigration violation, but through delaying tactics, enters into a sham marriage or engages in other avenue of fraud in order to circumvent the INA.

In such instances, justice delayed becomes justice aborted. An alien should not be allowed to acquire equity for permanent resident status purposes once deportation proceedings have been initiated. Additional hearing officers are another solution. Some representatives have taken advantages of this problems in the past through repetitive and dilatory motions that result in continuances for months at a time while the case must be rescheduled.

The legislative initiatives in the 99th session of Congress which address criminal aliens require corresponding change in that section of the United States Code designed to prevent reentry after deportation. Title 8, U.S.C., Section 1326 must be revised to become an effective deterrent to reentry after deportation. I have attached one proposal for such a revision and would be interested to know your opinion.

On December 23, 1986 Deputy Attorney General Arnold Burns agreed to an implementation plan for the inclusion of INS in the Organized Crime Drug Enforcement Task Force (OCDETF).

The Immigration and Naturalization Service is the Federal agency which is responsible for the admission, control, and removal of aliens within the United States. Within this broad area of jurisdiction, the Investigations Division is the arm of the INS enforcement branch which is primarily responsible for the location, apprehension, and removal of alien drug traffickers from the interior of the United States.

The Investigations Division has accorded individual criminal aliens and criminal alien organizations one of its highest priorities within its case management system. These investigations target large organizations involved in a continuing criminal enterprise. The organization typically conceals its criminal activity through manipulation of corrupt officials or through violence or threats of violence, and conceals financial transactions under the cover of a legitimate business activity. Organization principals or active members are aliens, or the organization engages in continuing criminal activity through the use of the services of aliens or behalf of aliens. A criminal organization of interest to the INS regularly engages in serious crimes of violence, racketeering, or narcotics trafficking and may have active members throughout the United States or in foreign countries.

The purpose of the investigation is to identify the principal and active members of the organization; gather evidence of the violations committed by the organization; trace the financial transactions and identify the assets of the organization and its members; and coordinate the prosecution and seizure of assets and resources of the organization to destroy or severely limit the ability of the organization to continue to operate. Investigation of such an organization often requires the use of undercover techniques or the use of electronic surveillance or intrusion devices. These investigations will generally include coordination with other domestic or foreign law enforcement agencies and may result in extraterritorial prosecutions or extradition of principals located outside the United States.

INS will continue to advance its own Investigations Division case management system through participation in OCDETF while adding new dimensions to the Task Forces; namely, the utilization of additional criminal statutes within the United States Code such as alien smuggling, reentry after deportation, fraudulent identification and immigration fraud as well as the equally important initiation of administrative deportation proceedings.

In areas other than Investigation and Deportation, the passage of the Anti-Drug Abuse Act of 1986 has affected the INS, Border Patrol responsibility for narcotic interdiction along the Southwest Border of the United States.

Even though the Anti-Drug Abuse Act did not specifically address the drug enforcement functions of the Border Patrol, the Act has indirectly placed an even greater emphasis on the Border Patrol's responsibility for interdiction of drugs between the ports of entry along the United States land border. It is expected that as a result of this Act providing for the large increases in marine and air interdiction capabilities for the U.S. Customs Service and the U.S. Coast Guard, that drug smugglers will increase their operations through the Border Patrol's area of responsibility.

The Immigration Reform and Control Act of 1986 will increase Border Patrol capability to interdict drugs across the U.S. Border. The Reform Act provides for a 50% increase in Border Patrol staffing by the end of FY-88, along with increases in night vision detection equipment and the addition of rotary-wing aircraft support. The additional positions will be used to control the border against illegal immigration, smuggling of aliens and drugs, and the protection against the potential entry of persons seeking to enter the country for the purpose of committing terrorist acts.

The enhanced enforcement capability of the Border Patrol, as a result of the Reform Act, will undoubtedly lead to even greater drug interdiction efforts along the United States border.

APPENDIX "A"

Strengthened Penalty Provisions for Criminal Aliens that Illegally re-enter the United States After Deportation

The current two (2) year or one thousand dollar ($1,000) fine penalty provisions of Title 8, Section 1326, United States Code (Re-entry of Deported Alien), which were designed in another era for a totally different situation, are insufficient to deter deported criminal aliens from re-entering the United States.

RECOMMEND:

I. Three-Tier Penalty Provision

(1) Two (2) year or one thousand dollar ($1,000) fine provision for aliens who illegally re-enter the United States after they have been deported for other than a felony conviction.

(2) Five (5) year or ten thousand dollar ($10,000) fine provision for aliens convicted of a non-aggravated felony who illegally re-enter the United States after they have been deported either as a result of that conviction or for Entry Without Inspection. (NOTE: In some cases aliens convicted of crimes are deported for Entry Without Inspection in order to expedite the deportation process.)

(3) Fifteen (15) year provision for aliens convicted of an "aggravated" felony who illegally re-enter the United States after they have been deported either as a result of that conviction or for Entry Without Inspection.

An "aggravated felony" would be defined as: Murder, Kidnapping, Robbery, Rape, and Sale of Narcotics or Controlled Substances or Attempted Murder, Attempted Kidnapping, etc.

II. Prosecution Policy

Propose that the Assistant Attorney General in charge of the Criminal Division establish a nationwide policy of prosecuting aliens that re-enter the United States after being deported as a result of being convicted of an "aggravated felony". (Aliens deported for non-aggravated felonies or for other reasons would be considered for prosecution on a case by case basis by the local United States Attorney's Office.)

III. Entry Into Computerized Indices

Enter all aliens subject to the proposed fifteen (15) year penalty into the NCIC and other appropriate computerized indices with the notation that law enforcement agencies are to detain the alien for federal prosecution. Other deported aliens would also be entered without the notation.

The proposed provisions provide for an integrated penalty, prosecution and apprehension system which should tend to deter criminal aliens from re-entering the United States after deportation.

SUBMISSIONS FOR THE RECORD

DOD ANTI-DRUG EFFORTS

Domestic Programs.

o The Department of Defense has been testing military personnel for drug abuse since the 1970s. Since 1980 the DoD has shown a 67 percent reduction in reported drug use. In 1980 27 percent of all uniformed military personnel reported that they had used some illegal drug in the preceding 30 days. In 1985 less than 9 percent reported using illegal drugs in the preceding 30 days.

o DoD began drug testing civilians in the Army in April 1985. The Directive to implement the President's plan for a drug-free workplace is scheduled to be published in July 1987.

o Since the early 1970s, DoD-operated schools have provided instructional programs on substance abuse to all students, implemented counseling services for students at risk and worked with local installation commanders to make available to students other services as needed. Peer group prevention programs are currently being evaluated for all overseas and stateside DoD schools.

o Cost: In FY86 the total expenditure in the drug abuse area was $214 million: 46 percent was spent on drug programs and the remaining 54 percent was spent on alcohol programs. More than 3.6 million urinalysis tests were given.

o A total of 175 drug and alcohol audiovisuals are available for use within the Services and doD covering all audiovisual media such as films, videotapes and slides.

o The Secretary has encouraged military recruiters to help American youth say "no" to drugs in their frequent contacts with this target population.

o The Secretary has also encouraged all members of the Reserve community to become involved in activities discouraging drug use in the areas where they serve.

Support to Drug Law Enforcement Authorities (FY1986 data).

o By-product of military operations and training (no cost to agencies when substantially equivalent training is obtained -- Economy Act provisions waived).

oo Surveillance.

ooo 3,149 sorties/15,827 flight hours.

ooo Sharing radar data - DoD radar sites (GTMO, Roosevelt Roads, Tyndall and March Sector Ops Control Centers).

ooo Deployment of mobile radar teams to fill gaps in coverage, such as USAF radar in Dominican Republic and USMC radar at Georgetown, Bahamas.

oo 1,287 ship days with USCG law enforcement teams embarked (recently included USS Iowa Battleship Group).

oo **Personnel:** 52 people assigned to dedicated drug interdiction billets (NNBIS, OSD, JCS, Services).

oo Communications: secure tactical communications including dedicated SATCOMM provided to drug law enforcement agencies.

oo Planning: assist law enforcement operations planning, such as Hat Trick series.

oo Training: on equipment loaned, specialized ops training, etc.

oo Major ops support: Blast Furnace, OPBAT, Hat Trick.

oo Intelligence sharing (operations intel, DIA and NSA).

oo Aircraft and equipment loans: $138.65M through FY86.

oo Enhanced support for FY1987 ($314M).

ooo $300M from Omnibus Drug Supplemental Appropriations Act of 1987.

oooo Army - $18M to procure four Blackhawk helicopters for loan to agencies designated by the NDEPB. Two aircraft have been transferred to Customs. The remaining two will be transferred no later than the first week of March.

oooo Navy - $15M to fund Tactical Law Enforcement Teams (TACLETS) drug interdiction personnel aboard Navy vessels; $138M to refurbish or upgrade four E-2C or similar aircraft and buy four replacement E-2C or similar aircraft. Two E-2Cs have been transferred to Customs and two to Coast Guard; $45M to install 360° radar system on Coast Guard long-range surveillance aircraft (pending NDEPB resolution).

oooo Air Force - $12.615M to transfer Air Force helicopters to Davis Monthan AFB, AZ; $71.385M to procure four tethered aerostat radar systems for loan to Customs.

ooo $14M from DoD Appropriations Act of 1987.

oooo Includes $6.0M for Air National Guard and $8.0M for Army National Guard to fund costs for surveillance and other interdiction efforts. (Contained in the DoD Appropriations Act of 1987.)

ooo DoD receptive to greater support when:

ooo Drug law enforcement authorities identify mission requirements and their capacity to support added DoD assistance.

ooo Military preparedness is not degraded.

ooo Sufficient lead-time to permit DoD planning, assignment of resources and personnel.

ooo Identification of reimbursement when required by law.

CURRENT DOD SUPPORT TO CIVILIAN LAW ENFORCEMENT

U.S. Navy

E-2/OV-10/USCS

Navy E-2's provide aerial surveillance for the U.S. Customs Service. Geographic areas of interest include the Caribbean, the Mexican border, Gulf of Mexico, the offshore waters of Florida and California. Frequently U. S. Marine Corps OV-10's are co-based with the E-2C's. When the E-2 gains radar contact on a suspect aircraft (an aircraft not conforming to airways or demonstrating erratic movement, etc.), the E-2 will request the launch of an OV-10 which it vectors in to trail the suspect. The OV-10 interceptor will visually identify, evaluate, and track the suspect by day and will use its forward looking infra-red (FLIR) detection system at night. OV-10's in coordination with the E-2 will contact the U.S. Customs Service which will launch either a fixed-wing interceptor or a UH-60 Blackhawk helicopter on loan from the Army to make the arrest when the suspect lands.

P-3/S-3/USCG

Navy P-3's fly long-range surface surveillance tracks throughout the Caribbean, Gulf of Mexico, coastal Atlantic Ocean areas, in the Yucatan Passage and Pacific coastal areas. S-3's flying from San Diego, California fly surveillance tracks off California and Mexico as well as the Mexican border adjacent to California, New Mexico and Arizona. Contacts of interest are passed to U.S. Coast Guard cutters that are positioned tactically along various regional chokepoints. Coast Guard cutters coordinate with and receive authorization from the Department of State to conduct search and seizure of suspect vessels.

U.S. Air Force

E-3A AWACS/USCS

USAF E-3A, Airborne Warning and Control System (AWACS) fly aerial surveillance missions similar to Navy E-2s. Frequently USCS radar operators and air intercept controllers are embarked on AWACS. When a suspect aircraft is detected, OV-1 Mohawk or other USCS "interceptor" aircraft are launched to identify the suspect. Turnover can be made to UH-60 Black Hawk helicopters with civilian law enforcement personnel on board. Upon landing, USCS agents will search, seize and apprehend as appropriate.

B-52/US Navy/USCG

USAF B-52 strategic bombers support U.S. Navy carrier battle groups and surface combatant task groups. B-52's conduct joint training with the Navy in offensive anti-surface warfare strike operations. This training, flown under the "Busy Observer" program, provides excellent anti-drug surface surveillance as an adjunct to normal military operations. B-52 sorties search transit zones for drug-laden motherships which can later be intercepted and seized by offshore USCG cutters.

C-130/USCG

USAF and USAF Reserve C-130's conduct maritime surveillance. Some missions are targeted against known drug-laden motherships. C-130's will continue tracking such ships until USCG cutters complete their intercept. Other C-130 missions conduct surface surveillance of high-density drug trafficking lanes. Suspect vessels are reported to the USCG.

UH-1N/Operation BAT (Bahamas and Turks)

USAF crews fly two UH-1N helicopters stationed in the Bahamas. These helicopters provide quick insertion of Bahamian drug enforcement teams on drug apprehension missions.

U.S. Army

The Army is a supplier of loaned equipment to federal civilian drug enforcement agencies, including aircraft such as:

8	UH-60	Blackhawk helicopters
2	OV-1D	Mohawk (with Forward Looking Infra Red Sensor)
4	AH-1G	Cobra helicopters
16	OH-6	spotter helicopters
6	C-12C	King Air (authorized for delivery in FY86)

Operation HAWKEYE

Operation HAWKEYE, a training initiative, developed by the Army Intelligence Center and School, Ft. Huachuca, AZ, is designed to present real-world situations in a training environment. By modifying selected flight tracks in the OV-1D Mohawk training program, students are required to conduct missions along the US-Mexico border between Douglas and Nogales, Arizona. During these missions selected target areas are imaged with the Mohawk's camera system. Information collated from comparative analysis of the imagery, as well as selected photographic prints, is provided to the Patrol Division of the Customs Service for inclusion in their intelligence data base. In FY85, 72 HAWKEYE missions were flown.

Operation GROUNDHOG

Operation GROUNDHOG is an end-of-course comprehensive test developed by the Army Intelligence Center and School at Fort Huachuca. Two primary courses, ground surveillance radar and ground sensor operations, comprise GROUNDHOG. Ground surveillance radar students are placed in a real-world, high-stress training environment on the US-Mexico border in the vicinity of Yuma. The students spend one week in the field conducting the majority of their training during the hours of darkness. The ground surveillance radar is used to detect and track targets crossing the border. As targets are detected, information is passed to the Border Patrol for their action (at no time are Army personnel involved in apprehension or detention). Ground sensor operations students deploy and monitor ground sensing devices capable of detecting the movement of personnel, vehicles, and aircraft. In FY85, GROUNDHOG was conducted 20 times with 518 targets detected, resulting in 176 apprehensions.

In addition to the enthusiastic response from the Border Patrol for these programs, responses from field commanders have indicated the quality of trained soldiers has significantly increased as a result of participation in this training.

Additional Support

Army/National Guard

The Army and National Guard provide a variety of additional support to drug enforcement agencies including: loan of night vision imaging systems; specialized training, including use of ground radars; rifle and pistol ranges by drug enforcement personnel; and special forces-type training, including rappeling. The Army's new land reconnaissance course provides personnel and equipment intelligence for use by drug enforcement agencies.

Navy/Marine Corps

The Navy provided: radar services, ship services including PHM hydrofoils which embark USCG tactical law enforcement team (TACLETS), and the towing of drug vessels (permits USCG cutters to remain onstation). The ship sighting program is one in which Navy vessels are on lookout for suspects listed in the Coast Guard's Special Interest Law Enforcement Lookout Summary. Four surplus P-3A's were transferred to Customs. These aircraft are configured with Air Force radar enhancing Customs surveillance capability. The Marine Corps provides mobile ground radar surveillance as well as anti-personnel intrusion detection.

Air Force

The USAF operates two aerostat radars located at Cudjoe Key and Patrick AFB. These radars provide effective look-down capability against low-flying aircraft. Both aerostats are digitally linked to the Customs Service Miami Command, Control, Communications (C^3) facility, the Tyndall Region Operations Control Center (ROCC), and the Navy's Fleet Air Control Surveillance Facility at Jacksonville. Two additional aerostats will be turned over to the Customs Service for use in Arizona and the Bahamas. Various electronic equipment is loaned including over 120 Vinson encryption devices to the Customs Service.

In 1985 the USAF flew several additional missions supporting drug enforcement. On occasion, U-2's provide aerial photography aiding drug enforcement intelligence. RF-4C jet aircraft provide airborne reconnaissance of airstrips suspected of being used by drug traffickers.

Additional Multi-Service Support

A total of 43 Army, Navy, and Air Force personnel provide expert assistance to six National Narcotics Border Interdiction System (NNBIS) Regional Centers in addition to the NNBIS headquarters in Washington, D.C. Two additional DoD personnel are assigned temporarily to assist in establishment of the seventh regional center at Honolulu, Hawaii.

NNBIS coordinates the activities of federal agencies which have responsibility for interdiction of seaborne, airborne, and cross-border drug traffickers. NNBIS monitors suspected smuggling activity originating outside national borders and destined for the United States. It also coordinates the seizure of contraband and the arrests of persons involved in illegal drug importation.

DOD AIRCRAFT AND MAJOR EQUIPMENT PROVIDED, LOANED OR PROCURED FOR DRUG LAW ENFORCEMENT (THRU APR FY87)

		Aircraft	Avg Unit Cost	Total
Army	12	UH-60	4.2M	50.4M
	4	OV-1D	2.0M	8.0M
	16	OH-6*	.5M	8.0M
	6	C-12C	2.3M	13.8M
	4	AH-1G	.5M	2.0M
				82.2M
Navy	4	P-3A	13.075M	52.4M
	4	E-2C	45.0M	180.0M
				232.4M

Other Major Equipment

Army	28	Night vision sighting devices	6.8K	.19M
Navy	11	Infra Red Detecting Sets (AAS-36)	500K	5.5M
Air Force	4	F-15 radars	3.0M	12.0M
	4	F-16 radars	700K	2.8M
	90	Vinson Secure Radios	3.5K	315K
	5	Parkhill Secure Radios	9.0K	45K
				20.85M
		TOTAL DOD		335.45M

*Immigration Naturalization Service/Border Patrol

MILITARY SERVICES AVIATION SUPPORT TO DRUG LAW ENFORCEMENT

FY 1986

U.S. ARMY

Aircraft Type	OV-1D	UH-60	Total
Sorties	24	291	315
Hours	72	1822	1894

U.S. NAVY

Aircraft Type	E-2*	P-3*	S-3	Misc.	Total
Sorties	370	780	27	8	1185
Flight Hours	1638	6663	95	18	8614

* Includes Active and Reserve

U.S. MARINE CORPS

Aircraft Type	OV-10	RF-4	Total
Sorties	335	3	338
Flight Hours	845	5	850

U.S. AIR FORCE

Aircraft Type	UH-1N	C-130*	E-3†	Misc	Total
Sorties	748	63	78/404	18	1311
Flight Hours	886	507	428/2585	63	4469

* Includes USAF Reserve
† Includes "designated" and "watch" flights

DOD TOTALS

Sorties	3,149
Flight Hours	15,827

Q-1:
Is there a national drug interdiction strategy?

A-1:
Yes, the National Drug Policy Board's January 20, 1987, Report to Congress, "National and International Drug Law Enforcement Strategy" thoroughly examines all facets of the national drug interdiction strategy. The primary objective of the national drug interdiction strategy is to reduce the amount of illegal drugs entering the United States. Interdiction focuses on the detection, identification, and interception of shipments of illegal drugs as they move from departure points to source countries, along smuggling routes to our land, sea, and air borders.

Q-2:
What is your conceptualization of the military's role in drug interdiction?

A-2:
The proper role for the Department of Defense is to support those agencies charged by law for drug enforcement, consistent with readiness concerns and national security.

Q-3:
Can you explain how the National Drug Policy Board and the Coordinating Group coordinate and integrate the military into the overall drug interdiction effort?

A-3:
The National Drug Policy Board's members are Cabinet or Cabinet-level executives. The Coordinating Group's members are sub-cabinet level. Secretary Weinberger is a member of the Policy Board; Assistant Secretary (Force Management and Personnel) Mr. Cox and Deputy Assistant Secretary (Drug Policy and Enforcement) LtGen Olmstead are members of the Coordinating Group. The Policy Board is the President's executive agent on drug policy. The Policy Board reviews, evaluates and develops U.S Federal drug control programs, policy, strategy and resolutions. The Coordinating Group examines key policy issues and prepares recommendations for policy board decision. Defense Department Assistance provided by DoD is integrated into overall policy objectives.

Q-4:
What role does the Drug Policy Board play in the resolution of disputes between DoD and the civilian interdiction and enforcement agencies?

A-4:
The National Drug Policy Board is the President's executive agent for drug policy. The NDPB defines and resolves interagency differences. If the matter cannot be resolved at that level, it is escalated to a higher level. (This has yet to occur.) As a member of the NDPB, Secretary Weinberger represents DoD's interest.

Q-5:
We understand that the $71 million appropriation for aerostats is insufficient to build the 7 aerostats authorized in the legislation. We also understand that there is a sense that the $18.5 million provided in your supplemental appropriation for the installation of F-15 interceptor radar on the C-130's could be better used for an aerostat. Would you comment?

A-5:
$71M appropriation is insufficient to procure seven aerostats Since the Air Force has no mission for a HC-130 configured with an F-15 radar the Air Force is requesting Congressional authorization to reprogram funds to the aerostat account.

Q-6:
According to the newspapers, DoD has been arguing with the Attorney General over the retrofitting of the P-3's, as well as the C-130's, with 360 degree radar. We understand that the Drug Policy Board is looking into this matter. Would you please explain the issues involved? If Congress has required this, why has there been a delay? When do you expect this issue to be resolved?

A-6:
The Navy has agreed to provide one APS-125 radar to Customs provided Congress makes available funds for a replacement radar and authorizes a one time only waiver of § 3052(c)(1) and (2) of the Anti-Drug Abuse Act of 1986. The development of a P-3 modified with an APS-125 radar is a Treasury Department/Customs Service effort independent of the Defense Department.

Q-7:
How will DoD intelligence resources intermesh with the C^3I's? Where do you believe the proposed East Coast C^3I should be located and why?

A-7:
The NDPB has determined that Miami is the best location for the East Coast C^3I. The facility will receive DoD intelligence. Additive costs for receipt of such information would be borne by the appropriate drug law enforcement agency.

Q-8:
How is DoD participating in the enhancement of drug enforcement and interdiction intelligence gathering?

A-8:
DoD provides training and shares intelligence with drug law enforcement agencies.

Q-9:
From the perspective of the DoD, please assess the effectiveness of the deployment of Coast Guard personnel on Navy vessels. How is this arrangement working out?

A-9:
The "TACLET" program is an example of efficiency in action. Navy ships conducting at sea training provide the platform to permit the Coast Guard to perform drug interdiction operations. The biggest advantage is that virtually all Navy ships operating in "drug waters" possess a law enforcement deterrence with a TACLET embarked.

Q-10:
What is the time table for the placing of aerostats on the Southwest border?

A-10:
The Ft. Huachuca and Georgetown aerostats will be operational this fiscal year. Two additional aerostats in FY88, one in FY89 and the sixth (if funded) in FY 1990.

Q-11:
When will the aerostat system along the border be in place? Will this close the "window of vulnerability?"

A-11:
Six aerostats in place by FY 1990 would provide overlapping radar coverage along the Southwest border against drug smuggling aircraft -- effectively closing the "window of vulnerability."

Q-12:
Under the Anti-Drug Abuse Act, the Department of Defense was required to prepare a detailed list of resources that could be made available to civilian agencies. We understand that the report was to be reviewed by the Armed Services Committee and then acted upon by DoD.

A-12:
DoD has not received notification of the reports review by the SASC and HASC. The Department held the required conference of Federal drug law enforcement authorities, GSA, and GAO on May 28, 1987.

A) What can you tell us about the report in general?

Answer A - The Anti-Drug Abuse Act of 1986 requires DoD to report on the types of assistance DoD will provide to civilian law enforcement agencies, and a detailed plan for lending surveillance, communications, aircraft, marine vessels, and land vehicle equipment.

B) What resources might be available to a city like New York?

Answer B - Equipment as made available by GSA in accordance with Federal Surplus Personal Property Donation Program under the Federal Property and Administrative Act of 1949 as amended.

C) Is there some conflict between DoD and the Policy Board over the distribution of these resources?

Answer C - No.

Q-13:
What are the prospects for using DoD facilities to meet drug enforcement and interdiction needs, including prison and jail space, and facilities for intelligence efforts?

A-13:
Regarding prison and jail space, the Secretary of Defense forwarded to the SASC and HASC on 29 January 87, a list of current DoD detention facilities, and a list of facilities that could be converted for use in detaining illegal aliens, felons, drug traffickers and excludable or deportable aliens. The report was provided in response to provisions in the Anti-Drug Abuse Act of 1986 and the Immigration Reform and Control Act of 1986.

Q-14:
What are the long term effects of Operation Blast Furnace?

A-14:
Operation Blast Furnace demonstrated to Bolivia and other South American countries that the drug trafficantes are not invulnerable. Blast Furnace caused the price of raw coca leaves to drop below the break even point during the operation.

Q-15:
Title VII of the Anti-Drug Abuse Act requires the Administration to submit to Congress, not more than six months after passage of the legislation, recommendations to reorganize the Executive branch of Government to more effectively combat drug traffic and abuse. Those recommendations are now due. Have you been involved in the preparation of that report? Can you tell us where they are and what recommendations will be proposed?

A-15:
As a member of the NDPB, DoD has assisted in preparation of appropriate sections of the report. The report was signed by the Attorney General on behalf of the President.

Q-16:
The 1987 Department of Defense Authorization Act requires the President to submit a comprehensive interdiction program to Congress. The report is due shortly. That report is to include the designation of lead agencies for air and maritime interdiction, a plan to increase Coast Guard's role in interdiction, and a comprehensive plan to maximize DoD's assistance in the drug effort. Have you been involved in the preparation of the report? Can you tell us the status of this report?

A-16:
The report was released on May 30, 1987.

Q-17:
What changes, if any, would you recommend in the "Anti-Drug Abuse Act of 1986?"

A-17:
The Anti-Drug Abuse Act of 1986, by any measure was a landmark piece of legislation enhancing all facets of anti-drug abuse efforts. I can state that DoD is pleased with Congressional provisions contained in Section 3052 (b) and (c).